

COUNTY OF LINCOLN
New Mexico
Regular Meeting
Board of County Commissioners

Jackie Powell, Chairwoman
Mark Doth, Member
Dallas Draper, Member
Glenna N. Robbins, Treasurer
Rhonda B. Burrows, Clerk

Preston Stone, Vice Chair
Kathryn L. Minter, Member
Robert Shepperd, Sheriff
Paul Baca, Assessor
Stirling Spencer, Probate Judge

Nita Taylor, County Manager

AGENDA

Commission Chambers, Tuesday, September 17, 2013 @8:30 A.M.

1. Call to Order
2. Roll Call
3. Invocation
4. Pledge of Allegiance
 - a. Pledge – U.S. A. Flag
 - b. Salute – N.M. Flag (“I salute the flag of the State of New Mexico, the Zia Symbol of perfect friendship among united cultures”)
5. Approval of Agenda
6. Approval of Minutes- August 14, 2013 Special Commission Meeting
August 20, 2013 Regular Commission Meeting
7. Approval of Consent Agenda
 - a. Payroll/Accounts Payable/Budget/ Expenditures
 - b. Treasurer’s Financial Report for the Month ending August 31, 2013
 - c. Sun Valley Water & Sanitation District Mill Levy Request
 - d. Road Name Request
8. Smokey Bear District Ranger Update
9. Greentree Solid Waste Authority (GSWA) Update
10. Lincoln County Detention Center Update
11. Board of Finance
12. Systems MD Presentation – Lior Glikshtern

PLEASE NOTE: ALL SUBJECTS LISTED ON THIS AGENDA ARE TO BE CONSIDERED ACTION ITEMS BY THE BOARD OF COUNTY COMMISSIONERS UNLESS OTHERWISE INDICATED.

13. JRP Master Builders Presentation
14. **9:30 A.M.:** PUBLIC COMMENT AND OTHER BUSINESS FROM COUNTY OFFICIALS (Items are for discussion only – no action will be taken)
15. Consideration of entering into a Contract for a Lincoln County Medical Center Condition Assessment
16. Consideration of Approval or Disapproval of Indigent Health Care Claims
17. Manager's Report
18. Renewal of Lease Agreement Ruidoso Downs Senior Center
19. Resolution 2013-14 Adopting Revisions to Resolution 2010-34 of the Indigent Claims Policy Limits Payable from the Lincoln County Indigent Healthcare Fund
20. **Tabled** New Medical Provider No. 52; the Ruidoso Physical Therapy Clinic, Inc.
21. Water issues/Forest/Wildlife Health Programs/Land and Natural Resources Advisory Committee (LANRAC)
 - a. Consideration of Entering into MOU with US Fish and Wildlife Services and other Arizona / New Mexico Counties Re: Development of the Mexican Wolf Environmental Impact Statement (EIS)
22. Lodger's Tax Audit Random Draw
23. Designation of Polling Places for Precincts by Resolution 2013-15
24. Proclamation for Grant Dean
25. Consideration and Action on the Infrastructure Capital Improvement Plan (ICIP)
26. Consideration and Action on Angus Church of the Nazarene Request for Variance of Ordinance No. 2006-6, Lincoln County Outdoor Advertising Regulation Ordinance
27. Authorization to Schedule Public Hearing to Consider Other Outdated or New Lincoln County Ordinance
28. **1:00 P.M.:** Public Hearing to consider amending Ordinance 2002-08 An ordinance requiring a certificate issued by the Lincoln County Treasurer establishing that Property Tax Obligations are current prior to any subdivision plat or claim of exemption approval by the County of Lincoln with Ordinance 2013-05.

PLEASE NOTE: ALL SUBJECTS LISTED ON THIS AGENDA ARE TO BE CONSIDERED ACTION ITEMS BY THE BOARD OF COUNTY COMMISSIONERS UNLESS OTHERWISE INDICATED.

29. Consideration of Appointments and Removals from Boards/Commissioners/Committees:
 - a. LANRAC
 - b. Lincoln Historic Preservation Board
 - c. Planning Commission
30. Executive Session Pursuant to the Open Meetings Act: Discussion of all Threatened and/or Pending Litigation Section 10-15-1, Sub-Paragraph H.(7); and Discussion of the purchase, acquisition or disposal of real property or water rights by the public body, Section 10-15-1, Sub-Paragraph H.(8).
31. Signing of Official Documents
32. Next meetings:
 - a. October 15, 2013 Regular Commission Meeting
33. Adjournment

PLEASE NOTE: ALL SUBJECTS LISTED ON THIS AGENDA ARE TO BE CONSIDERED ACTION ITEMS BY THE BOARD OF COUNTY COMMISSIONERS UNLESS OTHERWISE INDICATED.

Agenda Item No. 6
September 17, 2013

SUBJECT

Approval of Minutes:

1. August 14, 2013 Special Commission Meeting
2. August 20, 2013 Regular Commission Meeting

COUNTY OF LINCOLN

New Mexico Special Meeting Board of County Commissioners

Jackie Powell, Chair
Preston Stone, Vice Chair

Kathryn Minter, Member
Mark Doth, Member
Dallas Draper, Member

Minutes Wednesday, August 14, 2013

Minutes of the Special Meeting of the Lincoln County Commission held at 4:00 PM on August 14, 2013 in the County Commission Chambers, Lincoln County Courthouse, in Carrizozo, New Mexico.

1. Call to Order

Chair Powell called the Special Meeting of the Board of County Commissioners to order at 4:02:24 PM.

2. Roll Call

Roll Call.

Present: Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Draper.

Absent: Commissioner Doth.

Others present included Nita Taylor, County Manager; Alan Morel, County Attorney; and Rhonda Burrows, County Clerk.

3. Pledge of Allegiance

- a. Pledge – U.S.A. Flag – Commissioner Minter
- b. Salute – N.M. Flag – Commissioner Draper

4. Approval of Agenda

Motion: Acceptance of the Agenda and authorized the Chair to move items as necessary.

Action: Approve, **Moved by** Commissioner Draper, **Seconded by** Commissioner Minter.

Vote: Motion carried by unanimous vote (**summary:** Yes = 4).

Yes: Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Draper.

Absent: Commissioner Doth.

5. Lincoln County Commission Comments regarding NM Water Trust Board's Proposed Amendments to Water Project Fund Project Management Policies by Resolution 2013-9

Ms. Taylor presented Resolution 2013-9 as a request for the extension of the comment period for proposed NM Water Trust Board changes to Project Management Policies or in the alternative as a request to reject all of the proposed changes.

Ms. Taylor stated on August 6, 2013 the Southeastern New Mexico Economic Development District informed members of the proposed changes. Ms. Taylor stated the comment deadline for the changes was August 15, 2013 necessitating the Special Meeting. Ms. Taylor stated the deadline left insufficient time for the County to research and prepare comments.

Ms. Taylor stated requests for an extension of the deadline were also forthcoming from several other agencies including the Soil and Water Conservation Commission, the Upper Hondo Soil and Water Conservation District, and current County Commissioner and former Water Trust Board Member Preston Stone acting individually.

Ms. Taylor informed while some of the changes were clean up language there were potentially substantive changes which would impact applicants for funding. Ms. Taylor noted several particular proposed changes seemed to shift the deference from state government and related political subdivisions such as counties and municipalities to state agencies and departments such as the Office of the State Engineer.

Ms. Taylor commented other language changes such as the requirement for an Asset Management Plan were burdensome for smaller entity applicants such as the Nogal Water Association.

Motion: Adopt Resolution 2013-9, **Action:** Approve, **Moved by** Commissioner Draper, **Seconded by** Commissioner Stone.

Vote: Motion carried by unanimous vote (**summary:** Yes = 4)

Yes: Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Draper.

Absent: Commissioner Doth.

Ms. Taylor informed she had also contacted Senator Phil Griego regarding the proposed changes. Ms. Taylor stated Senator Griego planned to hand deliver a letter to the State Engineer's Office requesting an extension of the comment period.

Commissioner Stone stated the Water Trust Board did not initiate the proposed changes but rather the State Engineer. Commissioner Stone noted the State Engineer had introduced legislation with similar language during the last legislative session which did not pass. Commissioner Stone expressed concern about small entities being able to comply with the proposed changes.

Debra Ingle, Executive Director for the Region I Rural Water Association stated the NM Rural Water group was meeting in Taos this weekend and she would convey the concerns of the Board of Commissioners. Ms. Ingle stated the Association had also requested an extension of the comment period.

SEE EXHIBIT A: Copy of Resolution 2013-9 is attached hereto in reference thereto made a part hereof.

6. Signing of Official Documents

7. Next Regular Meeting

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Tuesday, August 20, 2013

8. Adjournment

There being no further business to come before the Board of County Commissioners, Chair Powell adjourned the meeting at 4:17:39 PM.

Respectfully submitted by,

Rhonda B. Burrows
Lincoln County Clerk

DRAFT

COUNTY OF LINCOLN

New Mexico Regular Meeting Board of County Commissioners

Jackie Powell, Chair
Preston Stone, Vice Chair

Kathryn Minter, Member
Dallas Draper, Member
Mark Doth, Member

Minutes Tuesday, August 20, 2013

Minutes of the Regular Meeting of the Lincoln County Commission held at 8:30 AM on August 20, 2013 in the County Commission Chambers, Lincoln County Courthouse, in Carrizozo, New Mexico.

1. Call to Order

Chair Powell called the Regular Meeting of the Board of County Commissioners to order at 8:30:59 AM.

2. Roll Call

Roll Call.

Present: Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Draper.

Absent: Commissioner Doth.

Others present included Nita Taylor, County Manager; Alan Morel, County Attorney; and Rhonda Burrows, County Clerk.

3. Invocation

The invocation was presented by Pastor Joshua Watkins.

Nita Taylor, County Manager and Ranger David Warnack acknowledged the recent loss of Grant Dean who worked with multiple agencies on the Little Bear Fire recovery projects and expressed gratitude for his service to the County of Lincoln.

4. Pledge of Allegiance

- a) Pledge – U.S. A. Flag – Chair Powell
- b) Salute – N.M. Flag – Commissioner Draper

5. Approval of Agenda

Motion: Acceptance of the Agenda and authorized the Chair to move items as necessary.

Action: Approve, **Moved by** Commissioner Draper, **Seconded by** Commissioner Minter.

Vote: Motion carried by unanimous vote (**summary:** Yes = 4).

Yes: Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Draper.

6. Approval of Minutes

July 9, 2013 - Special Commission Meeting

July 16, 2013 - Regular Commission Meeting

Motion: Approve the minutes of the July 09, 2013 Special Commission Meeting and the July 16, 2013 Regular Commission Meeting. **Action:** Approve, **Moved by** Commissioner Stone, **Seconded by** Commissioner Minter.

Vote: Motion carried by unanimous vote (**summary:** Yes = 4).

Yes: Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Draper.

7. Approval of Consent Agenda

- a) Payroll/Accounts Payable/Budget/ Expenditures
- b) Treasurer's Financial Report for the Month ending July 31, 2013
- c) Road Name Request
- d) Southeastern New Mexico Economic Development District Resolution 2013-11
- e) Resolution 2013-08 Lease Agreement for land for Fort Stanton Fire Station
- f) Acknowledge DFA Approval of Final Budget for FY 2014
- g) Resolution 2013-07 COOP/CAP/School Bus FY 2013-2014

Motion: Approval of Consent items as presented. **Action:** Approve, **Moved by** Commissioner Minter, **Seconded by** Chair Powell.

Vote: Motion carried by unanimous vote (**summary:** Yes = 4).

Yes: Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Draper.

SEE EXHIBIT A: Copies of Consent Items are attached hereto in reference thereto made a part hereof.

8. US Forest Service Update

- a) Smokey Bear Ranger District

Ranger Warnack discussed prescribed fire activities on the Smokey Bear District within the last month. Ranger Warnack stated prescribed burns were conducted or planned for the next month near Hale Lake, Cora Dutton Road, Carrizo Canyon and the Sierra Blanca Airport.

Ranger Warnack stated Environmental Assessments for the Hale Lake and East Hale Lake grazing allotments were now posted for review and comment by the public. Ranger Warnack stated proposed actions for both allotments included the authorization for continued livestock grazing. Ranger Warnack commented these particular allotments were not in use for more than ten years but were now under new permittee management. Ranger Warnack encouraged all interested parties to submit written comments.

Chair Powell stated the importance of supportive comments on Environmental Assessments as well as those of objection. Ranger Warnack stated all comments were useful in determining impacts to natural resources and social systems including economic impact.

Commissioner Stone questioned if the absence of grazing for the prior ten years was beneficial or detrimental to the allotment.

George Douds, Range Management Specialist for the Smokey Bear Ranger District stated the absence of grazing for ten years provided a good starting point to evaluate the benefits or drawbacks of grazing but would not express an opinion as to the current conditions.

There was a general consensus to write a letter of support for the Hale Lake Allotment grazing permits.

b) Cibola National Forest – Consideration of Resolution 2013-13 Opposing the Blanket Removal of Livestock from the Mountainair District of the Cibola National Forest

Karen Lessard, District Ranger for the Mountainair Ranger District of the Cibola National Forest provided a map of the Gallinas Division Grazing Allotments. Ranger Lessard discussed her recent decision to remove permitted livestock grazing from the Mountainair Ranger District. Ranger Lessard noted the area in question suffered from drought for the previous two years and was deemed to be in severe drought this year. Ranger Lessard acknowledged recent precipitation was beneficial but maintained a full year of non-grazing was necessary to allow for seed head development and reproduction of grass. Ranger Lessard stated continued grazing would inhibit recovery of the area and noted her decision was based on science.

Commissioner Stone questioned if monitoring points existed in the permittee agreements. Ranger Lessard stated permittees provided annual pictures for monitoring. Commissioner Stone questioned if the Ranger and her staff had personally inspected the area. Ranger Lessard confirmed she and her staff had reviewed a large portion of the area.

Commissioner Stone reminded that through past droughts in the 1930's and 1950's the agriculture community practiced good stewardship and suggested these families were more qualified to determine grazing capabilities than a government agency. Commissioner Stone noted livestock numbers were now the lowest in history and there were not sufficient livestock numbers now to restock grazing permits.

Gerald R. Perkins, speaking as a grazing permittee since 1928, expressed belief livestock grazing in reduced numbers was beneficial to assist in scattering the seed even during drought. Mr. Perkins stated Ranger Lessard's notice to the permit holders was too short to allow for planning and the permittees should have been allowed some latitude to comply.

Chair Powell commented on the unreliability of blanket science as applied to this type of decision. Chair Powell stated support for the ranchers as stewards of the land and expressed belief this type of decision should have included local input.

Loretta Sanchez, speaking as a grazing permittee, questioned if the USFS planned to remove some of the pinon and juniper growth from the area in question. Ms. Sanchez stated permit holders had requested removal of the trees for years. Ranger Lessard stated thinning was a part of the District's five year plan but the agency was faced with a lack of funding.

Commissioner Stone requested in addition to a Resolution of opposition to Ranger Lessard's action the Manager compose a letter to the County's congressional delegation regarding the removal of livestock grazing from Federal lands.

Commissioner Minter suggested Ranger Lessard acted appropriately and noted US Forest lands are multiple use areas. Commissioner Minter expressed support for a letter to federal representatives but stated the Resolution language as written was too harsh.

Commissioner Stone discussed the implications of the decision to revoke permits to the nineteen permittees within the District.

Motion: Adopt Resolution 2013-13. **Action:** Approve, **Moved by** Commissioner Stone, **Seconded by** Commissioner Draper.

Vote: Motion passed (**summary:** Yes = 3, No = 1, Abstain = 0).

Yes: Chair Powell, Commissioner Stone, Commissioner Draper.

No: Commissioner Minter.

SEE EXHIBIT B: Copy of Resolution 2013-13 is attached hereto in reference thereto made a part hereof.

13. 9:30 A.M.: PUBLIC COMMENT AND OTHER BUSINESS FROM COUNTY OFFICIALS

Dorianne J. Kabo stated she had received notice from the County Planning Department regarding her property on lower Eagle Creek informing she was in violation of Lincoln County Ordinance 2009-03 which regulated refuse, solid waste, and litter within the County. Ms. Kabo discussed prior placement and movement of dumpsters and the problem of ongoing illegal dumping. Ms. Kabo stated the large amount of debris in the area was not on her property but on the boundary of her property. Ms. Kabo stated she had spoken with the Sheriff and Commissioners and now had a better understanding of the illegal dumping situation.

Larry Paholski owner of a residence on Alpine Meadows Trail expressed frustration about road conditions in the area. Mr. Paholski discussed the placement of culverts adjacent to his driveway with one being totally full of debris resulting in damage to his driveway. Mr. Paholski stated he contacted the County over a period of two years with positive responses but no action. Mr. Paholski requested the County send someone from Road Department to evaluate the situation. Commissioner Draper stated he would contact Road Superintendent Carl Palmer.

Commissioner Draper stated he had resided in Alpine Village for approximately ten years. Commissioner Draper noted some portions of the area were within the municipal boundary while others were in the County. Commissioner Draper expressed concerns about the roads and garbage collection and made a commitment to work on problems in this particular area.

Commissioner Minter commented on her attendance at the recent Southeastern Regional Planning and Transportation Organization meeting on behalf of Lincoln County. Commissioner Minter noted Lincoln County had only one proposed project which was for sidewalks in Corona to accommodate the recent widening of Highway 54. Commissioner Minter stated funding for that project would be available in 2015. Commissioner Minter also informed construction would continue on sixteen miles of Highway 54 beginning in January of 2014 starting near Carrizozo.

9. Greentree Solid Waste Authority (GSWA) Update

Attorney Morel informed efforts were made to set a mediation hearing on August 27, 2013 but due to a scheduling conflict the mediation was canceled to be reset in mid September.

200 **10. Lincoln County Detention Center Update**

201
202 Warden Arthur Anderson informed on monthly bookings and releases and stated the total
203 average capacity as of this date was 144.

204
205 Commissioner Stone questioned if a detainee were to file suit against the County of Lincoln
206 would the action impact or restrict their privileges in any way. Warden Anderson stated there
207 was no practice of restricting privileges under those circumstances.
208

209 **11. Board of Finance**

210
211 No action was taken. Chair Powell stated the item was rescheduled for next month.
212

213 **12. 9:00 A.M.: Lodger's Tax Applications with backup material:**

- 214
215 a) Application 1704: Christmas Jubilee November 8-10, 2013, Amount Requested:
216 \$1,000.00 Ruidoso Valley Greeters/Linda McKinley
217

218 **Motion:** Approve Application 1704 for \$1000. **Action:** Approve, **Moved by** Commissioner
219 Draper, **Seconded by** Chair Powell.

220 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 4).

221 **Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Draper.
222

223 Commissioner Minter requested the Manager's office determine if the Ruidoso Valley Greeters
224 also received funding from the Village of Ruidoso.
225

226 **14. Consideration of Approval or Disapproval of Indigent Health Care Claims**

227
228 Scott Annala, IHC Administrator presented the Sole Community Provider/Lincoln County
229 Medical Center claims for approval. Mr. Annala processed 71 claims with 70 recommended for
230 approval and 1 recommended for disapproval for a total authorization of \$117,341 and a year to
231 date authorization of \$223,995. Mr. Annala noted the average monthly hospital claims to date
232 was \$111,198 with a projected annual approval for FY 2013-2024 of approximately \$1.3 million.
233

234 Mr. Annala presented the Indigent Health Care Payments request for the month. Mr. Annala
235 processed 66 claims with 62 recommended for approval and 4 recommended for disapproval.
236 Mr. Annala stated the total of claims recommended for payment this month was \$25,736 for a
237 year to date total of \$47,952. Mr. Annala noted the average of total monthly indigent claims to
238 date was \$23,976 with a projected annual expenditure of \$287,712. Mr. Annala reminded the
239 FY 2013 -2014 budget for Indigent claims was \$393,278.
240

241 Mr. Annala provided charts and graphs for comparison of current payments to prior fiscal years.
242

243 **Motion:** Approval and denial of the claims as indicated for Sole Community Provider and
244 Indigent Health Care Program payments as recommended.

245 **Action:** Approve, **Moved by** Commissioner Minter, **Seconded by** Commissioner Stone.

246 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 4).

247 **Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Draper.
248

Mr. Annala informed the New Mexico Association of Counties Health Care Affiliate was holding a fall workshop in Ruidoso and invited the Commissioners to attend for discussion on changes to the Sole Community Provider Program.

SEE EXHIBIT C: Copies of the Sole Community Provider and Indigent Health Care Payments are attached hereto in reference thereto made a part hereof.

Chair Powell recessed the Regular Meeting at 9:57:15 AM and reconvened at 10:13:40 AM.

16. Lincoln County Fair Board Presentation

Shad Cox, Vice President and Scott Daniels, Treasurer of Lincoln County Fair Board presented a summary of events for the past summer. Mr. Cox reported there were 798 total entrants for the Smokey Bear Days Rodeos an increase from 750 entrants last year. Mr. Cox informed there were approximately 6000 paid attendees for the July 4th events. Mr. Cox stated the revenue generated by the good attendance enabled the Fair Board to fully fund all of the Lincoln County Fair activities.

Mr. Cox stated the Junior Livestock Sale provided \$111,700 directly to the participating youth of Lincoln County by auction of livestock, cakes, pies and other items. Mr. Cox stated the Benefit Ranch Rodeo earned over \$6,200 to assist local individuals and families in need with a five year total for this event of over \$38,000.

Mr. Cox stated this year's fair included a sponsor funded LED sign to inform the public about events and to acknowledge sponsors and individuals who assisted. Mr. Cox stated volunteers replaced the old show ring and used the old fencing for improvements to the lanes and pens.

Mr. Cox stated the Fair Board planned to request funding for capital improvements in the amount of \$120,000 to build an extension on an existing barn to provide washing facilities for animals, new scales, along with plumbing and lighting improvements.

Chair Powell and Commissioner Stone thanked the group for the volunteer work donated over the years which had improved the facility and benefited the youth of Lincoln County.

Commissioner Minter requested the Fair Board post contact information for people interested in renting the facilities on the County website.

20. Lincoln County Building Permit/Inspection Process: Regulation & Licensing Superintendent Dee Dennis and CID Director Katherine Martinez

Ms. Taylor provided background on past inquiries and actions regarding options for the County to conduct building inspections. Ms. Taylor stated Construction Industries Director (CID), Katherine Martinez continued to disallow the hiring of contract work inspectors to conduct inspections based on recently passed legislation. Ms. Taylor stated CID maintained the position that inspectors must be employees of the state or a local government entity.

Superintendent Dee Dennis of NM State Regulation and Licensing discussed the duty and authority of CID including oversight of local jurisdictions in their capacity as inspectors. Mr. Dennis discussed the enactment of SB 249 to create more flexibility and options for local jurisdictions to control permitting and inspection. Mr. Dennis discussed the requirement for any

299 local jurisdiction to have a Certified Building Inspector. Mr. Dennis stated the language of SB
300 249 excluded the option for local jurisdictions to contract with third party inspectors.

301
302 Mr. Dennis discussed local jurisdictions and the authority of the Village of Ruidoso to extend
303 inspection authority within the three mile platting and planning radius but noted the annexation
304 of the airport area and the Eagle Creek ballpark did not allow the Village to "bootstrap" the three
305 mile area past the normal boundary limit. Mr. Dennis suggested an agreement needed to be
306 reached between the Village of Ruidoso and the County to clarify consistent practices and
307 authority for residents. Mr. Dennis noted the sharing of responsibilities between local
308 governmental entities often provided economic benefits.

309
310 Mr. Dennis stated the County currently had three options to consider: 1) develop a County
311 Permitting and Planning Department with their own Certified Building Inspector; 2) enter into a
312 Memorandum of Understanding (MOU) with CID to provide for state inspections of local building
313 projects with the understanding the State would enter into an agreement with the Village of
314 Ruidoso to clarify areas of responsibility; or 3) enter into a MOU with the Village of Ruidoso or
315 another local government entity to issue permits and perform inspections in the unincorporated
316 areas of the County.

317
318 Chair Powell questioned if Mr. Dennis was aware of the cost variance between fees charged by
319 the Village of Ruidoso and CID. Mr. Dennis acknowledged there was a significant difference in
320 fees and stated CID had no plans to increase their permit fees.

321
322 Mike Buechter, local contractor spoke about the advantages of having a local, accessible office
323 to review plans and answer questions. Mr. Buechter urged the County to work with the Village
324 to provide inspections.

325
326 Fernando Guzman, resident of Rancho Ruidoso Valley Estates expressed confusion about the
327 current jurisdiction for that area. Mr. Guzman, speaking on behalf of eight neighboring residents,
328 expressed frustration with a specific resident who acting as a "sovereign citizen" had violated
329 multiple building regulations over a period of several years without consequence. Mr. Guzman
330 stated multiple contacts with multiple agencies had not resulted in any action.

331
332 John Cornelius, local contractor stated while the cost for permitting through the Village was
333 greater than State permits, the local service made the added expense worthwhile. Mr.
334 Cornelius pointed out when CID issued a permit; they did not consider local forestry,
335 addressing, and flood plain ordinances. Mr. Cornelius stated the Village of Ruidoso could work
336 cooperatively with the County for enforcement of local ordinances.

337
338 Mary Stanfield, resident of Rancho Ruidoso Valley Estates presented copy of a 2011 letter of
339 complaint written to the Attorney General and other agencies regarding the same resident Mr.
340 Guzman spoke about. Ms. Stanfield stated originally Jaime Guzman of CID had responded to
341 the complaint but then closed the case stating the area was part of the Village of Ruidoso's
342 permitting jurisdiction. Ms. Stanfield stated there had been no response to complaints made to
343 the Village of Ruidoso.

344
345 Terry Porr, Chairman of the Alto Special Zoning District discussed the authority of that District.
346 Mr. Porr discussed the location of the District within the three mile platting and planning area
347 and supported a cooperative agreement which would clarify and unify the permit process with
348 the Zoning District.

Mr. Dennis stated an agreement between entities would allow for communities to be cohesively included under one permitting process. Mr. Porr questioned if, as an independent Zoning District, Alto Lakes could enter into an agreement with the Village of Ruidoso independent of the County for permitting and inspection. Mr. Dennis stated zoning districts do not have that authority.

Jim Benton, local contractor stated support for the Village of Ruidoso inspection process and commented on past problems and inconsistencies between CID inspectors.

Curt Temple, Planning Director presented background information on the County's consideration of permitting and inspection of construction in response to complaints about the response time of CID.

Mr. Temple also discussed the problem of enforcement of County Ordinances by both the State and the Village of Ruidoso. Mr. Temple presented examples of both agencies issuing permits to builders within the flood plain without flood plain determination as required by County Ordinance. Mr. Temple reminded hiring a third party inspector was proposed to address the underlying issue of enforcement of county ordinances.

Shawn Fort, Village of Ruidoso Building Official stated the Village was absolutely willing to work with the County on enforcement issues.

Mr. Dennis informed the responsibility of enforcement for violation of State construction code would ultimately fall to the State once a report was filed by any jurisdiction. Mr. Dennis discussed differences between the "quality" of construction and code enforcement.

Debi Lee, Village of Ruidoso Manager noted any memorandum of agreement which might be enacted would contain a termination clause. Ms. Lee stated current income from the permitting in the three mile area helped to support the Village's full service inspection department. Ms. Lee stated if the County were to begin permitting the Village probably would not maintain their department.

Commissioner Draper questioned the fee difference between the Village of Ruidoso permits and CID. Mr. Temple informed that not only were the Village of Ruidoso fees higher than CID but noted the Village charged an additional 10% of the cost for permitting within the County.

Attorney Morel suggested the County had two options, either to develop their own building department or to enter into a MOU with the Village of Ruidoso. Attorney Morel noted if the County chose to do nothing the State would enter into a MOU with the Village to define jurisdiction.

Ms. Lee stated even though the Village of Ruidoso subsidized their permitting department, they would be willing to charge the same fees to County residents as they do Village residents.

Commissioner Minter questioned if the County could enter into an MOU with the Village of Ruidoso to cover the entire County rather than just the three mile platting and planning area. Mr. Dennis stated this would be an option but might present logistical problems for the inspectors for the Village.

Attorney Morel recommended the County enter into a MOU with the Village of Ruidoso for a trial period of six months. Attorney Morel stated the County would need to decide on a level of

oversight, consider if a portion of any fees charged to County residents should go to the County, and develop procedures to ensure enforcement of county ordinances. Attorney Morel stated a plat could be developed to define specific areas and boundaries.

Commissioner Draper questioned how the area around the Village of Ruidoso annexations would be handled. Attorney Morel clarified the MOU would specifically define the areas to be included and the three mile platting and planning area would no longer be the defining restriction.

Motion: Enter into an MOU with the Village of Ruidoso for the purpose of issuing permits and inspections to include the proposed fee structure; assure compliance with county ordinances including the flood plain ordinance, and define enforcement responsibilities for a limited six month trial period. **Action:** Approve, **Moved by** Commissioner Draper, **Seconded by** Chair Powell.

Vote: Motion carried by unanimous vote (summary: Yes = 4).

Yes: Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Draper.

Chair Powell recessed the Regular Meeting at 11:48:19 AM and reconvened at 1:00:05 PM.

Chair Powell recessed the Regular Meeting and convened the 1:00 PM Public Hearing at 1:00:48 PM.

21. 1:00 P.M.: Public Hearing to consider rescinding a temporary moratorium on Subdivision Development within Lincoln County

Commissioner Minter questioned if the recently revised Subdivision Ordinance was now in effect. Attorney Morel confirmed the revised Ordinance became effective August 16, 2013.

Chair Powell expressed continued concern about ongoing drought conditions. Chair Powell discussed the potential for a transfer of water rights to create a new subdivision. Chair Powell noted the possession of water rights did not confirm water was present and suggested the moratorium be continued until next spring.

Commissioner Stone questioned the legality of continued imposition of the moratorium. Attorney Morel reminded the moratorium was adopted as a temporary measure to allow revision of the subdivision ordinance.

Commissioner Minter expressed belief the moratorium should be rescinded based on the enactment of the changes to the Subdivision Ordinance.

Receiving no public comment, Chair Powell adjourned the Public Hearing and reconvened the Regular Meeting at 1:05:35 PM.

Motion: Continue the Moratorium on Subdivision Development for six months after which time the Moratorium will automatically expire. **Action:** Approve, **Moved by** Commissioner Stone, **Seconded by** Chair Powell.

Vote: Motion passed (summary: Yes = 3, No = 1, Abstain = 0).

Yes: Chair Powell, Commissioner Minter, Commissioner Stone.

No: Commissioner Draper.

451 **19. USGS Presentation: Hydrologic Characterization of the Upper Rio Hondo Basin /**
452 **Budget Request for FY 2013-2014**
453

454 Lauren Sherson of the USGS provided an overview of the ongoing project to study the Upper
455 Hondo Basin and to advance surface water quality sampling to determine effects of the Little
456 Bear Fire on the Rio Bonito, Eagle Creek, and Magado Creek.
457

458 Ms. Shearson reminded the project began in 2001 to address concerns about increased
459 population and decreased precipitation. In 2004 a report was published comparing 2002 and
460 2003 data to current data and other historic information. Ms. Shearson stated the study focus
461 changed to a data collection phase and to include a second report for data from 2010 to 2013.
462

463 Ms. Shearson stated the report addressing data through 2010 was being finalized for publication
464 in the near future. Ms. Shearson stated the data indicated drought and the lack of precipitation
465 had affected aquifer recharge. Ms. Shearson noted aquifers had limited storage capacity and
466 were affected by climate factors including historically low snow melt. Ms. Shearson stated
467 ground water well levels were also typically trending downward.
468

469 Ms. Shearson stated the primary tasks remaining were to write the final report but also to
470 continue data collection. Ms. Shearson stated the second report would look at data from 2010
471 to 2013 and analyze Regional Water Quality. Ms. Shearson stated the County might wish to
472 continue sampling past 2013. Chair Powell questioned the amount of funding which the County
473 had expended on the study to date. Ms. Taylor stated \$448,475 had been expended as of
474 2013. Chair Powell expressed disappointment with the lack of a final report and also with the
475 lack of focus on the discharge portion of the water budget. Commissioner Minter questioned if
476 the County were to discontinue funding whether the second report would be completed and
477 published.
478

479 Matt Ely, USGS Hydrologist stated the original agreement with Lincoln County specified delivery
480 of an original report which had been completed and was now under review. Mr. Ely stated the
481 second report requested was a study of the impact of drought and wild land fire on the
482 watershed. Mr. Ely concurred with Chair Powell that the data might not reflect the full picture
483 but stressed additional values of the data. Mr. Ely stated if the County were to terminate
484 funding at this point it would be difficult to complete the final report and additional data collection
485 would likely be suspended. Mr. Ely reminded the USGS had also committed funding to the
486 study and noted as a governmental entity the USGS was also faced with a decline in budgeted
487 funding.
488

489 Commissioner Stone questioned if the current data collection would support a final report. Mr.
490 Ely stated a report could be created but it would not reflect the upcoming snowpack data.
491 Commissioner Minter expressed a desire to complete data collection through one more year.
492 Mr. Ely stated despite limited funding it would be prudent to continue to collect data even if the
493 network of data collection points was reduced. Mr. Ely stated the Little Bear Fire presented a
494 unique opportunity to study the effect of the burn on water quality and recharge.
495

496 Chair Powell commented on Governor Martinez's announcement that state funding would be
497 available for investigation of watershed properties and suggested the County write a letter to the
498 Governor and the Congressional delegation requesting assistance to complete the study.
499

500 Mr. Ely noted current drought conditions in the southwest and particularly in New Mexico might
501 provide an opportunity to pursue additional funding. Mr. Ely advocated for completion of the

project as a unique opportunity to provide scientific evidence to support the anecdotal knowledge of local officials.

Commissioner Minter suggested the County pursue State funding with the assistance of the USGS. Mr. Ely commented on the non-regulatory nature of USGS and noted the sole purpose of the agency was to provide scientific information which tended to be more highly regarded as having been developed by an unbiased agency.

Mr. Ely stated the proposed budget included funding of \$92,000 from the County and \$72,000 from the USGS. Ms. Taylor reminded the funding for the project was currently in the approved budget. Ms. Taylor also reminded the County received Capital Outlay funding in the amount of \$20,000 to fund the study.

Chair Powell requested support from the USGS for more public education about the overall decline of available water independent from occasional increases in precipitation.

Commissioner Draper questioned if any of the current data collection would reflect changes in the perception of water quality in the Village of Ruidoso. Ms. Shearson stated the planned October sampling might address this topic. Mr. Ely stated the USGS would be happy to conduct public meetings on this and other topics related to the study.

There was a general consensus to continue the study but to seek additional funding from the State and other federal agencies.

17. Consideration & Approval of Termination of Existing Lease for 6 Motor Graders and Purchase of 6 New Motor Graders

Ms. Taylor stated discussions with Carl Palmer, Road Superintendent; Alan Morel, Attorney; the Wagner Caterpillar Distributor; and CAT Financial Services were held regarding the replacement of six existing motor graders with new model equipment. Ms. Taylor detailed the reasons for the exchange of equipment including the lifetime hourly limit per year for a six year lease. Ms. Taylor stated the County could enter into a lease purchase agreement with Wagner for six years on a State Contract. Ms. Taylor noted the new models would provide for a 50% increase in annual hours which would reduce overuse fees and provide a small decrease in monthly lease payments.

Motion: Authorize the Manager, Attorney, and Road Superintendent to terminate the existing leases, to enter into a purchase agreement with Wagner Caterpillar, and to enter into a long term lease agreement with CAT Financial Services for six new motor graders. **Action:** Approve, **Moved by** Commissioner Minter **Seconded by** Commissioner Stone.

Vote: Motion carried by unanimous vote (**summary:** Yes = 4).

Yes: Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Draper.

Chair Powell recessed the Regular Meeting at 2:15:36 PM and reconvened at 2:26:24 PM.

15. Manager's Report

1. ICIP Discussion and Request for Direction

The Manager reported the deadline for submission of the County's Infrastructure Capital Improvement Plan (ICIP) to the Department of Finance was September

30, 2013. Ms. Taylor presented a copy of last year's and a list of ten projects for consideration and ranking including:

- a) Detention Center Expansion - \$500,000
- b) Relocation of Radio Tower from the Sheriff's Complex - \$100,000
- c) New Hondo Fire Station - \$300,000 ICIP list for some time.
- d) Fairground Improvements
 - I. Water Crossings \$318,000 - \$1,370,000
 - II. Improvements to existing facilities - \$120,000
- e) New Road Yard - \$560,000
- f) Expand White Oaks Fire Station - \$152,000
- g) Courthouse Energy Audit Improvements - \$165,000
- h) Glencoe Bridge – no cost estimate will request assistance from DOT
- i) Fire Training Facility - \$500,000
- j) Fire Station Water Holding Tanks - \$30,000

After lengthy discussion, there was a general consensus to rank the top priorities as: 1) Detention Center Expansion, 2) New Hondo Fire Station and 3) Fire Training Facility. There was consensus other projects would remain as prioritized except under Fairground Improvements for which Improvements to Existing Facilities would be prioritized above Water Crossings.

2. FY 2012-2013 Audit

The Manager informed The Accounting and Consulting Group, LLP began the annual audit in July. The Manager stated auditors met with various staff members regarding specific issues including the process to track FEMA funds and expenditures.

3. Forest Health Funding Initiatives

The Manager reported work continued on several initiatives with various partners including the NRCS EWP Process to be managed by SCRC and D with landowners providing the 25% match; finalization of the Homeland Security/FEMA grant including a benefit cost analysis with a benefit ratio of 20:1; also the 2012 projects in progress and application for 2014 WUI funds.

Curt Temple, Planning Director reminded of the Board's prior authorization to apply for a grant to assist in developing a Land Development Ordinance study. Mr. Temple stated qualification for potential funding was based on local income levels which Lincoln County no longer qualified. Mr. Temple stated unless the County allocated funds in the budget to hire a consultant the project was stalled. Commissioner Minter suggested consideration of a midyear budget adjustment in the amount of \$50,000 to hire a consultant.

18. Water issues/Forest/Wildlife Health Programs/Land and Natural Resources Advisory Committee (LANRAC)

Ms. Taylor stated no new valid water right applications were posted on the State Engineer's website for Lincoln County since February of 2013.

Ms. Taylor informed the New Mexico Environmental Department Surface Water Quality Bureau had invited public comment on a Use Attainability Analysis supporting proposed amendments to surface water quality standards for four surface waters in New Mexico, including Grindstone Canyon. Ms. Taylor stated the public comment period would close on September 13, 2013.

Ms. Taylor provided copy of a report from Brian Archuleta of the USDA Wildlife Services on efforts to thin the feral hog population including the removal of eleven feral hogs from the Capitan Mountain area.

Chair Powell suggested the County take the opportunity when appropriate to comment on the listing of the Jumping Mouse as an endangered species in support of other affected counties.

22. Consideration of Appointments and Removals from Boards/Commissioners/Committees:

a) Tabled Road Review Advisory Committee

Motion: Remove the item from the table, **Action:** Approve, **Moved by** Commissioner Draper, **Seconded by** Chair Powell.

Vote: Motion carried by unanimous vote (**summary:** Yes = 4).

Yes: Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Draper.

Motion: Appoint James Russ II to the Road Review Advisory Committee, **Action:** Approve, **Moved by** Commissioner Draper, **Seconded by** Commissioner Minter.

Vote: Motion carried by unanimous vote (**summary:** Yes = 4).

Yes: Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Draper.

Motion: Reappoint Lance Hale to the Road Review Advisory Committee, **Action:** Approve, **Moved by** Chair Powell, **Seconded by** Commissioner Stone.

Vote: Motion carried by unanimous vote (**summary:** Yes = 4).

Yes: Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Draper.

b) Tabled Lodger's Tax Committee

Motion: Remove the item from the table, **Action:** Approve, **Moved by** Commissioner Minter, **Seconded by** Chair Powell.

Vote: Motion carried by unanimous vote (**summary:** Yes = 4).

Yes: Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Draper.

Motion: Appoint Sue Hutchinson to the Lodger's Tax Committee as the General Public Member, **Action:** Approve, **Moved by** Commissioner Stone, **Seconded by** Chair Powell.

Attorney Morel informed that Sue Hutchinson was now employed by his firm. Attorney Morel stated Ms. Hutchinson's request for appointment to the Lodger's Tax Committee had preceded her employment and while he did not foresee a conflict he wished to disclose this fact.

Vote: Motion carried by unanimous vote (**summary:** Yes = 4).

Yes: Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Draper.

23. Authorization to Schedule Public Hearing to Consider Other Outdated or New Lincoln County Ordinance

654
655 a) 2002-08 Property Tax Obligations
656

657 **Motion:** Schedule a Public Hearing to consider Property Tax Obligation Ordinance 2002-08,

658 **Action:** Approve, **Moved by** Commissioner Stone, **Seconded by** Chair Powell.

659 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 4).

660 **Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Draper.
661

662 **24. Consideration and Approval of an Alarm Permit Late Fee Lien Refund**
663

664 Curt Temple, Planning Director presented a request from Mr. Jack Paul for a refund of the \$100
665 late fee assessed by the County when a lien for nonpayment of his alarm permit was approved
666 in June of 2013. Mr. Paul cited health issues and a lack of notice due to non-receipt of mail as
667 grounds for the request. Mr. Temple noted Mr. Paul was not present to speak to his request.
668

669 No action was taken.
670

671 **25. Road Review Requests:**
672

673 Ms. Taylor noted the Road Review Committee met on August 13, 2013. Robert Barber, Chair of
674 the Road Review Committee presented the requests and findings of the Committee.
675

- 676 a) Abandonment and Vacation of a part of Badger Court, High Sierra Estates and
677 High Sierra Townhomes, Alto, NM. By William LeMasters
678

679 Mr. Barber informed during original construction a septic system was inadvertently located
680 within an unused cul de sac. Mr. Barber reported after review of the site the committee
681 recommended approval of the application.
682

683 **Motion:** Approve the abandonment and vacation of Badger Court, **Action:** Approve, **Moved by**
684 Commissioner Stone, **Seconded by** Commissioner Minter.

685 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 4).

686 **Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Draper.
687

- 688 b) Abandonment and Vacation of a part of Rillito Road with the Pine Cone Valley
689 Subdivision, Ruidoso, NM. By Tomellen Burnett.
690

691 Mr. Barber reported a review of the plat indicated the County maintained road was partially
692 located on private property and a private well was located on adjacent County property. Mr.
693 Barber stated the owner was requesting an even exchange of property. Mr. Barber stated the
694 committee recommended approval of the application.
695

696 Attorney Morel noted there was a lack of a definite description of the size of each parcel of the
697 proposed exchange. Mr. Morel stated the County's ten year usage of the road provided for a
698 prescriptive easement and suggested it would be more appropriate for the owner to purchase
699 the County property on which the well was located and perhaps donate the road area to the
700 County.
701

702 **Motion:** Approve the abandonment and vacation of a part of Rillito Road for sale to Mr. Burnett
703 but deny the request for an exchange of land, **Action:** Approve, **Moved by** Commissioner
704 Stone, **Seconded by** Chair Powell.

Vote: Motion carried by unanimous vote (**summary:** Yes = 4).
Yes: Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Draper.

26. New Medical Provider No. 52; the Ruidoso Physical Therapy Clinic, Inc.

Scott Annala stated the Ruidoso Physical Therapy Clinic, Inc. wished to enter into an agreement with the County to receive Indigent Health Care funding. Mr. Annala stated the current Resolution did not provide for payment for physical therapy services and requested guidance as to how to proceed with the request.

Attorney Morel stated the current Resolution would need to be revised to include this type of service.

Motion: Authorization to Amend the Resolution to include a payment category for physical therapy with an annual limit of \$3000 and review other categories for adoption at the next meeting. **Action:** Approve, **Moved by** Commissioner Minter, **Seconded by** Chair Powell.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4).
Yes: Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Draper.

Motion: Table the request from Ruidoso Physical Therapy Clinic, **Action:** Approve, **Moved by** Commissioner Minter, **Seconded by** Chair Powell.

Vote: Motion carried by unanimous vote (**summary:** Yes = 4).
Yes: Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Draper.

27. Permission to Auction Surplus Inventory by Resolution 2013-10

Michelle Caskey, Fixed Assets requested permission to dispose of multiple items via online auction including items which were valued over \$5000 at the time of purchase including five vehicles and multiple computers. Ms. Caskey stated all vehicle logos and decals were removed as well as hard drives for all computers prior to sale.

Ms. Caskey reminded a review by three elected officials of the items prior to sale was required. Commissioners Minter, Commissioner Draper, and Assessor Paul Baca agreed to review the items.

Motion: Adopt Resolution 2013-10, **Action:** Approve, **Moved by** Commissioner Minter, **Seconded by** Commissioner Stone.

Vote: Motion carried by unanimous vote (**summary:** Yes = 4).
Yes: Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Draper.

SEE EXHIBIT D: Copy of Resolution 2013-10 is attached hereto in reference thereto made a part hereof.

Commissioner Minter was excused from the meeting at 4:03:51 PM.

28. Supporting the NMAC 2014 Legislative Priorities by Resolution 2013-12

Rhonda Burrows, Clerk presented the Resolution of support for the seven legislative priorities as adopted by the New Mexico Association of Counties (NMAC) Board of Directors. Ms. Burrows stated NMAC requested all counties adopt a resolution of support to assure understanding of and support for the priorities.

Motion: Adopt Resolution 2013-12 supporting the NMAC 2014 Legislative Priorities, **Action:** Approve, **Moved by** Commissioner Stone, **Seconded by** Commissioner Draper.
Vote: Motion carried by unanimous vote (**summary:** Yes = 4).
Yes: Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Draper.

Ms. Burrows requested guidance from the Board of Commissioners regarding an upcoming NMAC Board of Directors vote on the potential intercept of the Counties 1/8th Indigent Health Care GRT by the State to fund the Sole Community Provider program.

There was a general consensus to oppose the intercept of the County imposed Indigent Health Care GRT.

SEE EXHIBIT D: Copy of Resolution 2013-12 is attached hereto in reference thereto made a part hereof.

29. Consideration and Approval for Payment of Late Received Outstanding Invoices

Ms. Taylor informed invoices were received from the Lincoln County News in the amount of \$272.82 for publications dating from May of 2007 to November 2007. Ms. Taylor noted proof of publication was provided. Attorney Morel noted the majority of invoices were over seven years old and would be exempt from payment under the Statute of Limitations. Chair Powell stated belief the invoices were too old and it was not the County's responsibility to accommodate billing which was so late.

Punkin Schlarb, Finance Director argued in favor of approval as the billing was from a vendor which the County had dealt with for decades and the error had occurred as a result of internal problems.

Beverly Calaway, Chief Deputy Treasurer commented her research of one billing found no purchase order was issued and expressed belief it would be a violation of the procurement code to pay the invoices.

Motion: Deny payment based on the age of the invoices, **Action:** Approve, **Moved by** Commissioner Draper, **Seconded by** Commissioner Stone.

Vote: Motion carried by unanimous vote (**summary:** Yes = 4).

Yes: Chair Powell, Commissioner Stone, Commissioner Draper.

30. Executive Session Pursuant to the Open Meetings Act: Discussion of all Threatened and/or Pending Litigation Section 10-15-1, Sub-Paragraph H.(7); and Discussion of the purchase, acquisition or disposal of real property or water rights by the public body, Section 10-15-1, Sub-Paragraph H.(8).

Motion: To close the meeting for the purposes of an Executive Session to discuss Threatened and/or Pending Litigation pursuant to the Open Meetings Act, Section 10-15-1, Sub Paragraph H.(7) and the purchase, acquisition or disposal of real property or water rights by the public body, Section 10-15-1, Sub-Paragraph H.(8) and as follows:

New or Updated Matters since last report = *

1. Lodger's Tax Issue – Casa del Cocinero

2. *Cooper, Gale and DeBaca County News v. County of Lincoln, Sheriff of Lincoln County, et al.* D-1329-CV-200701364. Suit filed: October 15, 2007. Verified Complaint for Declaratory Judgment Ordering Production of Certain Records and Information.
3. *Green Tree Servicing, LLC v. William T. Joiner, Lincoln County, et. al.* D-1226-CV-2010-394. Suit filed November 17, 2010. Complaint for Enforcement of Contract and Foreclosure of Security Interest and Mortgage.
4. *Luis Grife as Personal Representative of The Estate of Arturo Grife, Jr., and Lizeth Grife v. County of Lincoln.* D-1226-CV-201100148. Complaint for Wrongful Death and Negligence, Jury Demand.
5. *New Mexico Ranch Sales v Mary T. Greene, LC Treasurer, et. al.* D-1226-CV-2011-00226. Suit filed August 1, 2011. Complaint In Rem to Foreclosure Mortgage Upon Real Property.
6. *Michael Wheaton v Paul F. Baca, Lincoln County Assessor, et. al.* D-1226-CV-2011-00341. Suit filed October 18, 2011. Notice of Appeal of Final Order of the Lincoln County Valuation Protests Board.
7. *New Mexico Ranch Sales v Marianne Clark, LC Treasurer, et. al.* D-1226-CV-2011-00409. Suit filed November 17, 2011. Complaint to Enforce and Collect Upon Promissory Note and to Foreclose Mortgage Upon Real Property.
8. *Bank of Clovis v Mona Bryant as Personal Representative of Marjorie Bryant (deceased), Village of Ruidoso, Lincoln County, et al.* D-1226-CV-2011-00429. Suit Filed February 10, 2012. Complaint for Foreclosure.
9. *New Mexico Ranch Sales v Tammy Palombi-Cade, LC Treasurer, et. al.* D-1226-CV-2012-00042. Suit filed February 13, 2012. Complaint to Enforce and Collect Upon Promissory Note and to Foreclose Mortgage Upon Real Property.
10. *Coble Constructors, LLC, et al v Carl Kelley Construction Ltd. Co, et al.* D-1226-CV-2012-00003. Suit filed January 15, 2012. Complaint to Foreclose Mechanic's Lien.
11. **Alto Lakes Golf & Country Club, Inc. v. Barbara Fleming, and Jesus and Maria Guardiola, et al.* D-1226-CV-2011-00044. Suit filed February 18, 2011. Complaint to Foreclose Lien. Counterclaim and Crossclaim suit filed by Washington Federal Savings on September 21, 2012 naming Board of Commissioners of Lincoln County and Lincoln County Solid Waste Authority. *Stipulated and Default Judgment, Decree for Foreclosure, Order of Sale, and Appointment of Special Master, entered by the Court on 8-12-13. L.C.'s lien was not extinguished and is still a valid lien against the subject property.
12. *Johnathan Warren v. Lincoln County Detention Center, Emerald Healthcare Systems, et al.* 2:12-CV-01086-CG-LAM. Suit filed October 19, 2012. Complaint for the Recovery of Damages Caused by the Deprivation of Civil Rights.
13. **Greentree Solid Waste Authority v. Lincoln County, et. al.* D-0101-CV-2013-00104. Suit filed January 9, 2013. Petition for Declaratory Judgment; Preliminary and Permanent Injunction. *Order Granting ALW&SD's Motion for Judgment on the Pleadings and for Summary Judgment entered by the court on 6-15-13. *August 21, 2013 is the deadline for GSWA to file its Notice of Appeal. *In the process of scheduling Mediation.
14. *Rio Grande-Alameda, Ltd. v Paul Baca, Lincoln County Assessor* D-1226-CV-2013-00005. Suit filed January 9, 2013. Complaint for Refund of Taxes Paid.
15. **Washington Federal Savings v. Timothy Rose; Chanda Rose; and Lincoln County* D-1226-CV-2013-00105. Suit filed April 15, 2013. Complaint for Foreclosure. *July 29, 2013 Ltr to Bishop, White, Marshall & Weibel, P.S. advising of payoff amount through Aug. 5, 2013.
16. *Wells Fargo Bank, NA, et al v. Jerry Turner, Board of County Commissioners of the County of Lincoln, New Mexico, et al.* D-1226-CV-2013-00129. Suit filed May 6, 2013. First Amended Complaint for Foreclosure.

17. **State of New Mexico (Lincoln County) v. Stephen Gore M-30-MR-2013-00113*. Citation filed June 17, 2013. Lincoln County Solid Waste Ordinance 2009-03 Violation. *June 17, 2013 Trial continued - Defendant given 60 days to complete clean up of property.
18. **Steven Miller, et al. v. State Forestry Division, NM Energy, Minerals, and Natural Resources Department, County of Lincoln, et al. D-1226-CV-2013-00160*. Suit filed June 15, 2013. Complaint for Negligence, Injury and Damages. *On August 2, 2013, NMAC advised Attorney Bryan Evans has been assigned as counsel for Lincoln County.
19. **Barbara Diane Latham, et al v. Neal Cox, Ben Hazen, Lincoln County Sheriff's Department and the County of Lincoln. D-1226-CV-2013-00191*. Suit filed July 19, 2013. Complaint for Violation of Civil Rights, Wrongful Death and Damages by Attorney Gary Mitchell. LCSO and LC Manager were served on August 5, 2013. Tort Claim Notice was filed on October 27, 2011.
20. **State of New Mexico (Lincoln County) v. Erma Jim* (need approval to proceed with filing of Complaint prepared by Deputy David Hightower for possession of a Samsung cell phone with a charged cell phone battery contrary to L.C. Ordinance No. 2011-01.
21. **State of New Mexico (Lincoln County) v. Leandra Pino* (need approval to proceed with filing of Complaint prepared by Deputy David Hightower for possession of a Samsung cell phone with a charged cell phone battery contrary to L.C. Ordinance No. 2011-01.
22. **State of New Mexico (Lincoln County) v. Michael Mitchell* (need approval to proceed with filing of Complaint prepared by Deputy David Hightower for possession of a Samsung cell phone with a charged cell phone battery contrary to L.C. Ordinance No. 2011-01.

Tort Claims Notices Received or Threatened

2013

Borrego, Albert - Tort Claim Notice received from attorney Gary Mitchell on June 14, 2013, alleging continued harassment to Albert G. Borrego by police while responding to a noise complaint at Mr. Borrego's residence on February 28, 2013, and a separate incident resulting in Mr. Borrego's arrest on March 5, 2013, due to an outstanding warrant, during which Mr. Borrego allegedly sustained injuries while in custody due to an existing broken back injury.

Espinoza, Robert - Tort Claim Notice received from Robert Espinoza on June 4, 2013, alleging property damage from vehicle accident while Linda Mullins, driving the LC Senior Center meal delivery van ran off road hitting chain link fence, poles and railroad ties.

Montoya, Emilia L. - Tort Claim Notice received by attorney Freda Howard McSwane on April 23, 2013, alleging injuries sustained by Ms. Montoya when a physical altercation took place at the LCDC.

Ramos, Aaron - Tort Claim Notice received by attorney Robert J. Beauvais on April 18, 2013, (correspondence dated September 13, 2011) alleging concerns about Mr. Ramos' safety and welfare and violation of his U.S. Constitution Fifth and Sixth Amendment rights.

2012

Cathy and Steve Altstatt - Telephone conference with Cathy Altstatt on April 19, 2012, concerning their unbuildable and unsellable Deer Park Valley lot due to lot size, septic tank set back requirements, and an easement granted to Alto Lakes Water & Sanitation District for a water well.

Riordan, J.T. - Correspondence received from Theresa Riordan on March 28, 2012, concerning her son's treatment and detention conditions while being held in LCDC.

908 **Sheridan, Michael** – Tort Claim Notice received from Attorney, Jennifer Burrill on
909 February 21, 2012, claiming the Lincoln County Sheriff's Department forced him to register as a
910 sex offender when he did not meet the requirements.

911 **Biggs, M. Jolene** – Tort Claim Notice received from Attorney, Adam Rafkin on February
912 6, 2012, claiming liability by the County of Lincoln by failing to maintain the surface of the
913 parking lot across from the Lincoln County Courthouse in Carrizozo, NM.

914
915 **Action:** Approve, **Moved by** Commissioner Stone, **Seconded by** Chair Powell.

916 **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 3).

917 **Yes:** Chair Powell, Commissioner Stone, Commissioner Draper.

918 **Absent:** Commissioner Minter.

919
920 Chair Powell recessed the Regular Meeting and convened the Closed Session at 4:17:21 PM.

921
922 Chair Powell adjourned the Closed Session and reconvened the Regular Meeting at 5:03:53
923 PM.

924
925 Commissioner Draper attested that no action was taken during the closed session and items
926 discussed were limited to those as stated in the motion for closure.

927
928 **31. Signing of Official Documents**

929
930 **32. Next meetings:**

931
932 September 17, 2013 - Regular Meeting

933
934 **33. Adjournment**

935
936 There being no further business to come before the Board of County Commissioners, Chair
937 Powell adjourned the meeting at 5:04:13 PM.

938
939 Respectfully submitted by,

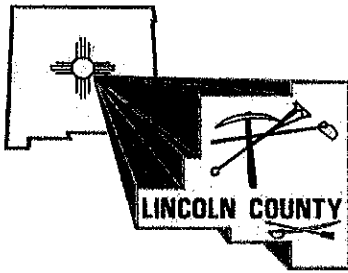
940
941 Rhonda B. Burrows
942 Lincoln County Clerk
943

Agenda Item No. 7
September 17, 2013

SUBJECT

Approval of Consent Agenda:

- a. Payroll/Accounts Payable/Budget/ Expenditures
- b. Treasurer's Financial Report for the Month ending August 31, 2013
- c. Sun Valley Water & Sanitation District Mill Levy Request
- d. Road Name Request



www.lincolncountynm.net

County of Lincoln

P.O Box 711 • 300 Central Ave. • Carrizozo, New Mexico 88301-0711 • (575) 648-2385

ACCOUNTS PAYABLE and PAYROLL

The following claims or bills on file with the office of the Lincoln County Manager were examined and approved as paid with checks hereof drawn upon the various County funds according to the check register covering the period from August 1 through August 31, 2013 in the amount of \$ 2,979,148.84.

NOW, THEREFORE, the above bills are hereby approved.

ADOPTED, PASSED AND SIGNED the 17th day of September, 2013.

BOARD OF COMMISSIONERS LINCOLN COUNTY, NEW MEXICO

Jackie M Powell, Chairwoman

Preston Stone , Vice-Chair

Kathryn Minter, Member

Dallas Draper, Member

Mark Doth, Member

ATTEST:

Rhonda B Burrows, County Clerk

**SUN VALLEY WATER & SANITATION DISTRICT
PO BOX 151
ALTO, NM 88312-0151**

RECEIVED

AUG 22 2013

ADMINISTRATIVE
LINCOLN COUNTY

August 20, 2013

Board of Lincoln County
PO Box 709
Carrizozo, NM 88301-0709

Dear Commissioners:

By Vote of the Board of Directors of Sun Valley Water & Sanitation District at it meeting on July 8, 2013 certifies to you a levy of six (6.0) mills for fiscal year 2013/2014 and directs the you levy this tax upon the assessed valuation of all taxable property within the boundaries of the Sun Valley Water & Sanitation District, in addition to other taxes you may levy, in accordance with the 7-18-16, New Mexico Statutes Annotated, 1953 and 73-21-17, 73-21-18 NMSA 1978.

Attached to support this levy are copies of the following:

1. Resolution adopting the mill levy for fiscal year 2013/2014.
2. DFA has not certified Sun Valley Water & Sanitation District budget for fiscal year 2013/2014 as yet.

Respectfully submitted,



Charles Britten
Treasurer

Enclosures

RESOLUTION 2013-2

Resolution to adopt mill levy for fiscal year July 1, 2013 to June 30, 2014 for Sun Valley Water and Sanitation District.

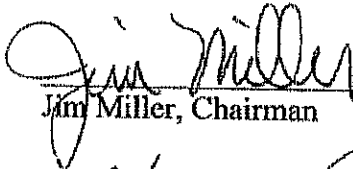
WHEREAS, THE Governing Body of Sun Valley Water & Sanitation District, County of Lincoln, State of New Mexico, has determined a 6 % mill levy for fiscal year 2013/2014;


WHEREAS, said 6% mill levy was developed on the basis of need and through cooperation with all user departments, elected officials and department supervisors, and;

WHEREAS, it is the majority opinion of this Board that the 6% mill levy meets the requirements as currently determined for fiscal year 2013/2014;


NOW, THEREFORE, BE IT HEREBY RESOLVED that the Governing Body of Sun Valley Water and Sanitation District, County of Lincoln, State of New Mexico, hereby adopts a 6% mill levy herein above described and respectfully requests approval from the Local Government Division of the Department of Finance and Administration.

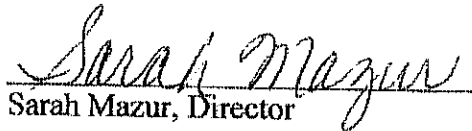
RESOLVED in session this 8th day of July, 2013, the Governing Body of Sun Valley Water and Sanitation District, New Mexico.


Jim Miller, Chairman


Marc Stewart, Vice Chairman


Charles Britten, Director/Treasurer

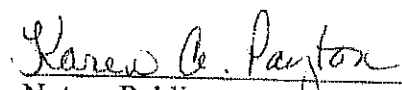

Absent
Frank Vanderveen, Director

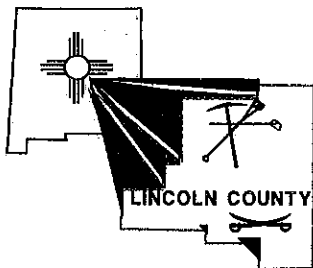

Sarah Mazur, Director

STATE OF NEW MEXICO }
 s.s. }
COUNTY OF LINCOLN }

The foregoing instrument was acknowledged before me this 8th day of July, 2013 by Jim Miller, Marc Stewart, Charles Britten, ~~Frank Vanderveen~~, and Sarah Mazur the Board of Directors of Sun Valley Water and Sanitation District.




Notary Public



County of Lincoln

P.O.Box 711 • 300 Central Ave. • Carrizozo, New Mexico 88301-0711 • (505) 648-2385

ROAD NAME REQUEST

This is a request to approve a new road name off Arabela Rd Located in Capitan NM in the County of Lincoln. This will be classified as a Private Road and will not be maintained by the County Road Department. All interested parties have acknowledged and approved:

La Curruca Ln

This is a name that is currently available and not duplicated. Attached is a general map of the area.

NOW, THEREFORE, the above name **La Curruca Ln** is hereby approved.

ADOPTED, PASSED AND SIGNED the 17th day of September, 2013.

Jackie Powell
Chairwoman

Preston Stone
Vice-Chairman

Mark Doth

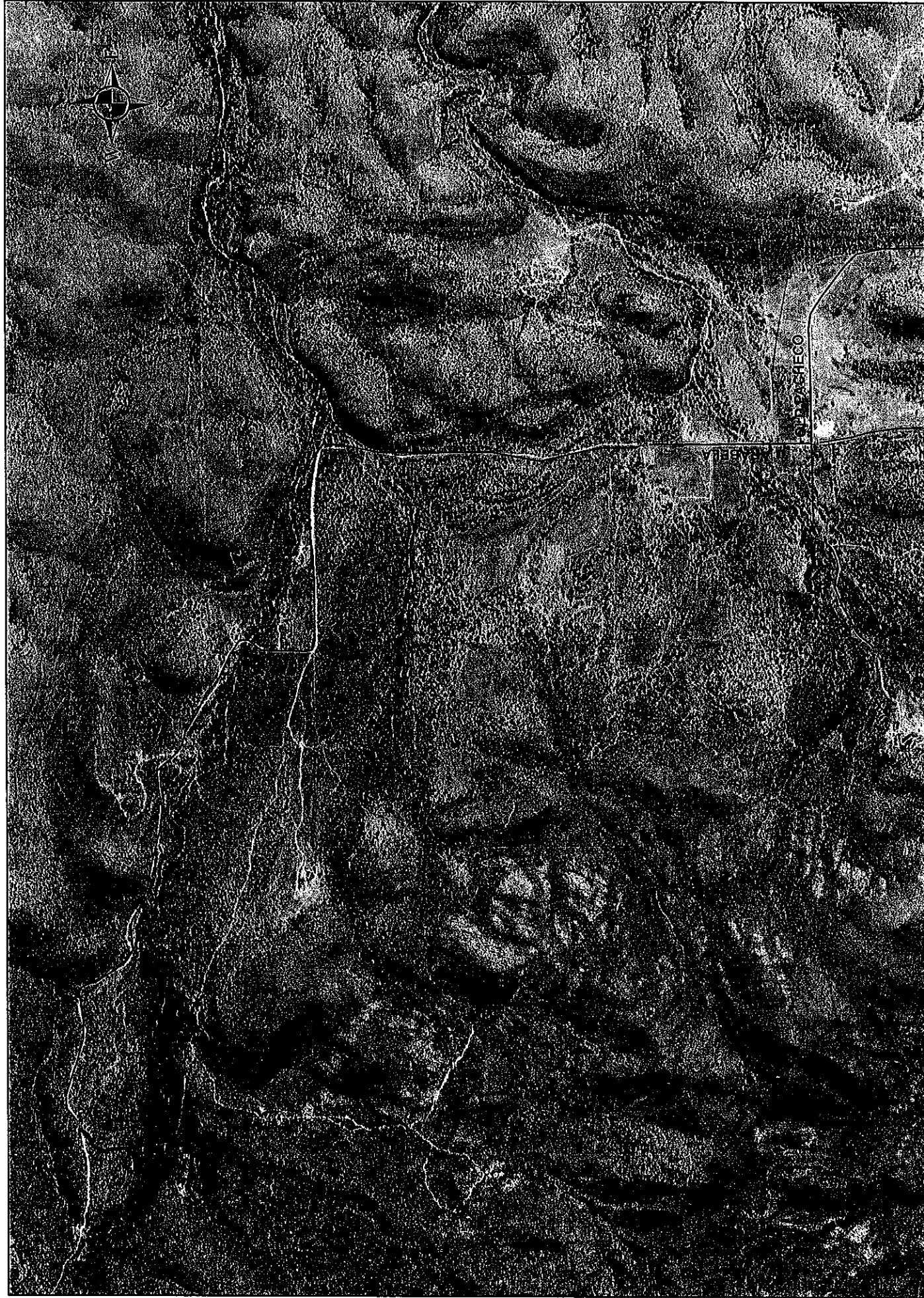
Dallas Draper

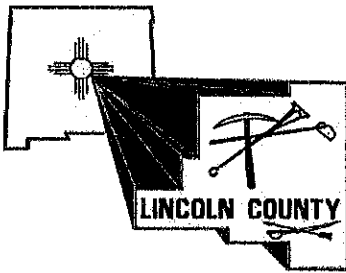
Kathryn Minter

ATTEST:

Rhonda B Burrows, County Clerk

New Road Name Request "La Curruca Ln"





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County of Lincoln

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AGENDA ITEM NO. 8

September 11, 2013

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager

SUBJECT: Monthly Smokey Bear District Ranger Report *NT*

Purpose: To provide an opportunity for the Smokey Bear District Ranger, David Warnack, to present a monthly report.

Discussion:

David Warnack will not be able to attend commission meeting, but has provided at enclosure 1 his list of critical update on activities in the district.

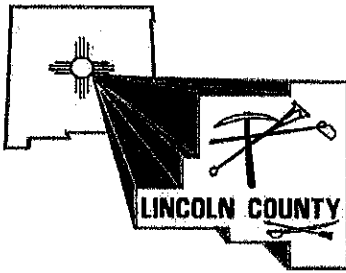
Recommendation: None – information only at this time.

Smokey Bear RD, Lincoln National Forest, Briefing Paper for Lincoln County Commissioners Meeting September, 2013

Critical Updates

- Prescribed Fire Updates
 - The Ranger district is currently working with the Veteran's Green Corps, a 12-person crew of military veterans sponsored by the Forest Service and the Southwest Conservation Corps, to conduct thinning and prescribed burning. This is the third year of this partnership. The crew is staying at the Smokey Bear Ranger Station and will work on projects throughout the Lincoln National Forest for over 10 weeks this fall. One of the primary projects the crew will complete on the Smokey Bear district is the Madden prescribed burn - which is 475 acres in the Carrizo Canyon area.
- District Office Remodel
 - Our district office located at 901 Mechem Drive in Ruidoso is undergoing renovation in the reception area. The traditional entrance to the office will be closed for approximately 120 days as the building receives a facelift. The new layout is intended to allow us to serve more people at one time, as well as to offer better self-service information.
- Seasonal Workforce
 - On September 21, most of our seasonal employees will be laid-off for the winter. I would like to thank these employees for all of the hard work this year.

End of Report



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AGENDA ITEM NO. 9

September 11, 2013

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *nt*

SUBJECT: Greentree Solid Waste Update – Debra Ingle

Purpose: To provide an opportunity for the Greentree Solid Waste Director, Debra Ingle, to provide a monthly report.

Discussion:

Debra Ingle may appear to provide a monthly report to update commissioners and the public on activities in the district. At enclosure 1 may be the latest approved Greentree minutes and other information for the commission.

Recommendation: None – information only at this time.

Greentree Solid Waste Authority
REGULAR MEETING
July 23, 2013

Vice-Chairman Bradford called the Regular Meeting of the Greentree Solid Waste Authority (GSWA) to order at 10:05am at the office of Greentree Solid Waste Authority in Ruidoso Downs, NM.

ROLL CALL: Members recorded as present Sam Hammons (Capitan), Sherrill Bradford (Corona), Ray Dean (Carrizozo), Gary Williams (Ruidoso Downs), Rifle Salas (Ruidoso). Members recorded as absent: Mark Doth (County of Lincoln)

Staff in attendance: Debra L. Ingle, Operational Supervisor, (OS); Ginny Mansfield (AA). Angie Schneider (GSWA Attorney)

Public present: Nita Taylor (County of Lincoln); Jeff Kaplan (Village of Ruidoso), Dennis Haskell (Village of Capitan), Zachary Cook, Sandy Hartley.

APPROVAL OF AGENDA: Motion by Member Dean to approve the agenda as a floating agenda, seconded by Member Salas, motion carried with all ayes.

APPROVAL OF MINUTES REGULAR MEETING JUNE 25, SPECIAL MEETING JULY 1, AND AMENDED MAY 30, 2013: Motion by Member Hammons to approve the Regular Meeting June 25, Special Meeting July 1, and amended Minutes May 30, 2013, a copy of which is attached and made a part hereof, seconded by Member Williams, motion carried with all ayes.

APPROVAL OF FINANCIAL: OS Ingle presented the June 2013 Accounts Payable of \$78,361.72; copies of which are attached and made apart here of, The Month-End Financial Report for June 2013, copies of which are attached and made apart here of; reflects that the general operating bank accounts had a balance of \$24,654.28.01, Loan funds, EGRT, closure funds, \$268,805.19. Overall the Authority's budget shows that they should be at 100%, with actual numbers reflecting Revenues at 84%, Expenditures at 84%, Payroll should be at 100%, and the budget reflects 87% and the Transfer of funds at 101%. Current year-to-date figures reflect that Expenditures exceed Revenue by \$11,191. Motion by Member Hammons to approve June 2013 Financial Report, seconded by Member Williams, motion carried with all ayes upon a roll call vote.

DISCUSSION/POSSIBLE ACTION ACCOUNTS RECEIVABLE JUNE 2013: OS Ingle provided the Board Approval Determination of Accounts Receivable, a copy of which is attached and made apart hereof; stating that due to the vacancy of the Accounts Receivable position there has been some cleaning up of that department. OS Ingle presented LBF customer accounts that were still being billed on a reoccurring basis of \$ 9752.28 and AR of \$504.66. Motion by member Hammons to approve the Accounts Receivables for June 2013, seconded by Member Williams, motion carried with all ayes upon a roll call vote.

APPROVAL OF OPERATIONAL SUPERVISOR REPORT: OS Ingle provided to the Board the Recycling and Illegal Dumping report for June 2013, a copy of which is attached and made apart hereof; 56.73 tons of recycling shipped and 116.12 tons of metal. Illegal Dumping sites 57, Illegal Dumping yards year-to-date 804.25, Yard Waste Collected 895 yards- year to date 11,300 yds. OS Ingle presented the Otero Co. / Greentree Regional Landfill Fiscal Report 2012/2013, a copy of which is attached and made apart hereof. OS Ingle reported that the Capitan Landfill Methane Monitoring Report had been done. OS Ingle presented the policy/procedure for request as directed at the last Board Meeting , a copy of which is attached and made apart hereof, Member Salas requested that a deadline time and date be added, Member Dean suggested 8am 72 hours before the scheduled meeting. OS was directed to add the deadline and present it at the next meeting for approval. OS Ingle informed the board that changes have been made with the dumpsters in the outlying areas that they will be on a on-call basis. Motion by Member Dean to Approve Operational Supervisor Report as presented, seconded by Member Williams, motion carried with all ayes upon a roll call vote.

DISCUSSION/POSSIBLE ACTION- COUNTY/AUTHORITY MEETING WITH MEDIATOR: OS Ingle reported that the attorney had stated that the County was willing sit down with a mediator and some members from the board to try to resolve some of the issues between the County and GSWA this would not have to do with the law suit so Mr. Beauvais would not need to be involved.. OS Ingle recommended that the board form a team to formulate a plan for the process of mediation, picking a mediator, etc...consisting of the attorney, manager/supervisor, consultant, and 2 members from the board. Motion by Member Bradford to assemble a team consisting of the Operational Supervisor, Attorney, Operational Consultant, Chairman Hammons and Member Dean, seconded by Member Williams, Member Salas asked for discussion. Member Salas felt that GSWA should send in 2 members and the Attorney into the mediation meeting to keep it friendly, all members agreed that for the final meeting that it would be 2 members and the attorney with the supervisor and consultant on hand to provide information as needed. Nita Taylor added that she believed that would be the way the County was going to do it and that she was going to report back to the Commissioners what was decided at this meeting. Motion carried with all ayes upon a roll call vote with ayes from Members Bradford, Williams, Dean, and Hammons, and a nay from member Salas.

It was questioned whether to go into executive session at this time. OS Ingle stated that the attorney was tied up in district court and that she would be attending as soon as she could. OS Ingle stated that if the Board would like they could move to agenda item #11 PSA Attorney.

DISCUSSION/ POSSIBLE ACTION-PSA ATTORNEY ZACHARY COOK; OS Ingle presented the PSC for Attorney Zachary Cook, with the addendum letter copies of which are attached and made apart hereof, Mr. Cook explained that as the attorney for Ruidoso and for GSWA with no waivers of conflicts it would mean that if there was ever a conflict of interest he would not represent either parties, motion by Member Dean to approve PSA for Attorney Zachary Cook with the addendum as presented, seconded by Member Williams, carried with all ayes upon a roll call vote.

DISCUSSION/POSSIBLE ACTION- COUNTY RATE INCREASE; OS Ingle stated that as the Board was aware of the letters and articles that went out to the newspapers about the rate increases that the Staff and Supervisor does not tell any customers that they have to pay the rate increase or sent any letters out requesting they pay the full amount. OS Ingle stated that those customers who do not pay the rate increase would not receive late fees on them, and those that do pay them would receive a credit on their bill if it is decided that The County has the right to refuse the rate increase. OS Ingle stated that the staff and the Operational Supervisor have been working on gathering the information on how the rate increases have been done since the Authority came to be which will be presented at next months meeting.. OS Ingle informed that all the entities Capitan, Carrizozo and Ruidoso Downs have accepted the rate increases Corona accepting the increase in October. Member Dean questioned the EGRT and OS Ingle informed the Board that the EGRT were not allowed due to legislative changes in 2008. OS Ingle explained that in order to cover there would be a \$.30 increase a month for the next 9 years which could be adjusted in the same way with the Landfill's 2% rate. Motion by Member Dean to approve the \$.30 increase per month for the next 9 years to be adjusted by the board as needed each year, seconded by Member Williams, carried with all ayes upon a roll call vote.

The Board was going to motion to go into executive session and Member Salas asked if Jeff could be invited in as he would be his proxy in next few months. The Board agreed with Member Salas. Member Dean requested that before moving into Executive Session if they could hear from the public.

COMMENTS FROM THE PUBLIC: Sandy Hartley introduced herself stating that she had concerns about the rates; she stated that she was on a fixed income and that she produces very little garbage that is seems unfair for her to pay the same amount as a family of 6 that has no garbage consciousness. Member Dean asked her if she knew of a possible solution that would work County wide. OS Ingle stated that a study had been done in connection with the County with Commissioner Battin that could be brought forward at the next meeting to be discussed.

Nita Taylor stated that it was the Counties opinion that the County approved the rates that Greentree recommends. Ms. Taylor had a question about something Debra read out during the meeting about seeking a legal opinion on the rate issue. OS Ingle stated that the only thing said was that the staff was gathering history on the rate setting for the Authority and that would be brought to the meeting.

EXECUTIVE SESSION- LIMITED PERSONNEL-THREATENED AND/ OR PENDING LITIGATION D-0101-CV-2013-00104; Member Williams requested that Dennis Haskell, as the Alternate for Capitan also be invited into executive session. Motion by Member Williams at 11:26 am to go to Executive Session Limited Personnel-Threatened and/or Pending Litigation D-0101-CV-2013-00104, seconded by Member Dean, motion carried with all ayes upon a roll call vote. Motion by Member Dean to return from Executive Session at 11:42am, seconded by Member Williams, motion carried with all ayes upon roll call vote. Member Hammons attested the only discussion was on Contractual Negotiation-Threatened and/or Pending Litigation D-0101-CV-2013-00104. Member Bradford had to leave stating that Member Dean had her proxy and she wanted a aye vote for the budget resolution.

DISCUSSION/POSSIBLE ACTION - EXECUTIVE SESSION- LIMITED PERSONNEL-THREATENED AND/ OR PENDING LITIGATION D-0101-CV-2013-00104; The Board wanted it noted that they wished the mediation process to move forward as quickly as possible. No Action Taken

APPROVAL OF FY 2013-2014 PROPOSED BUDGET RESOLUTION 2013-07-02; OS Ingle presented that the only changes was the \$7.33 for the County was reduced to the \$2.64. All other Municipalities accepted the Rate Increases, and the Alto portion. Motion by Member Salas to adopt resolution 2013-07-02, seconded by Member Williams, motion carried with all ayes upon roll call vote.

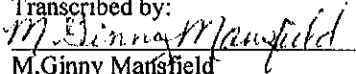
NEW/OLD BUSINESS; OS Ingle stated that she would be on vacation leaving today and returning on August 5th.

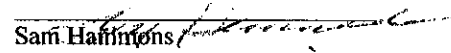
NEXT MEETING; the next regular meeting is scheduled for August 27th at 10:00 am.

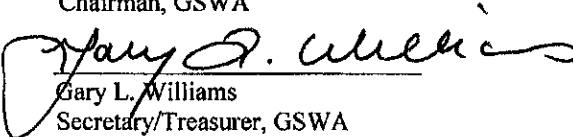
ADJOURN; Motion by Member Dean to adjourn the meeting at 11:49 am, seconded by Member Salas, motion carried with all ayes.

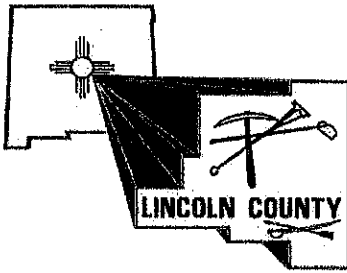
Passed and approved this 22 day of August 2013.

Transcribed by:


M. Ginny Marisfield
GSWA Administrative Assistant


Sam Hamiltons
Chairman, GSWA


Gary L. Williams
Secretary/Treasurer, GSWA



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AGENDA ITEM NO. 10

September 11, 2013

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *mt*

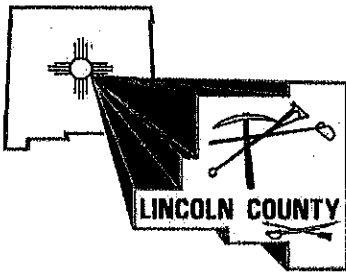
SUBJECT: Lincoln County Detention Center Update – Warden Anderson

Purpose: To provide an opportunity for the Lincoln County Detention Center, Warden Anderson, to provide an update.

Discussion:

Warden Anderson may appear to provide an update to the commissioners and the public on the Lincoln County Detention Center.

Recommendation: None – information only at this time.



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AGENDA ITEM NO. 11

September 11, 2013

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager 

SUBJECT: Board of Finance

Purpose: To recess the Board of County Commissioners and convene as the Board of Finance.

Discussion:

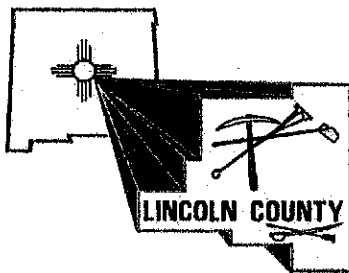
With regard to investment decision-making, the county treasurer determines how to deposit and invest county funds. That decision must then be approved by the board of county commissioners, sitting as the county board of finance. The board of finance has no power to modify the county treasurer's decision without the treasurer's concurrence. On the other hand, the county treasurer cannot impose a unilateral decision upon the board of finance.

State statute 6-10-8 reads as follows: "The board of county commissioners in each count in the state shall, ex officio and without additional compensation, constitute a county board of finance and as such shall, subject to the limitations of this act, have supervision over the determination of the qualifications and selection of bands, savings and loan associations and credit unions, whose deposits are insured by an agency of the United States, to receive the public money of their respective counties and of independent rural school districts, rural school districts and municipal school districts of municipalities having less than twenty-five thousand population according to the next preceding United States census and of any special or other districts in their respective counties for which the respective county treasurers of such counties as a ex-officio tax collectors. The county clerk in each county shall, ex officio and without additional compensation, act as clerk of such county board of finance. Every county board of finance shall hold meetings whenever necessary for the discharge of its duties, and the chairman shall convene such board whenever necessity therefore exists or when requested so to do by two of its members or at any time when the county treasurer shall advise the chairman that he has in his custody public money in excess

of the aggregated amount which depositories qualified by law are entitled to hold. A majority of the board shall constitute a quorum for the transaction of business.

The county treasurer of each county in the state shall have supervision of the deposit and safekeeping of the public money of his county and all the money which may at anytime come into or be in his possession as county treasurer and ex-officio tax collector for the use and benefit of the state or of any county, municipality or district or of any subdivision of any county or of any state or public institution and by and with the advice and consent of the respective boards of finance having jurisdiction over the respective funds shall designate banks, savings and loan associations and credit unions, whose deposits are insured by an agency of the United States, to receive on deposit all moneys entrusted in his care.”

Recommendation: Receive the treasurer’s report and discussion.



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AGENDA NO. 12

September 3, 2013

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Lincoln County's IT Project Update

Purpose: To provide an opportunity for Systems MD to present an update networking system.

Discussion:

Lior Glikshtern with Systems MD will present to the Commission his brief summary of the Lincoln County's IT project as follows:

Current Status:

Currently the Lincoln County central campus and remote location are setup as individual workgroups with no centralized server control, security, email, remote network access or a backup solution.

With the exception of the IBM I Series server which runs the county's line of business software, there are no servers exercising central control over the network infrastructure – this creates several problems and challenges.

1. Individual users save important documents on their own personal desktops, which leaves the documents not backed up, and vulnerable to loss.
2. There is no central control over network security – This means that users and passwords cannot be reset from a central server and many workstations are left vulnerable to attack and data theft
3. Email is being served from various locations including the I Series IBM server, Tularosa.net etc. This leaves no central control over emails and no ability to restore individual emails from backup if needed.

4. Some of the current network equipment is outdated and does not provide the highest level of security needed to ensure all county data is safe
5. Remote locations such as the substation and senior centers have no ability to access data via VPN on the central campus location
6. The clerk department has no ability to share files via a server with other departments
7. There is no centralized control over network security including unauthorized website access, intrusion detection etc.

Proposed Solution

The proposed solution will consist of the following general items

1. Changing the current “patchwork” network cables with new up to date high speed network cables (currently performed by sound and signal)
2. Installing a Microsoft – based Domain System – The Domain System allows for centralized control over all computers and users from a single server location
3. Centralized file sharing - Files will be stored on a central server which will give all departments access to documents based on their assigned security level – For Example – a Public Drive will contain files available to all departments . A management drive will be created giving access only to managers, the Clerk department will have their own drive – etc etc .
4. Central backup solution – All data will be backed up via a centralized backup solution – this will allow the county to restore any lost files, emails, and provide a complete disaster recover solution in the event of a natural disaster or other catastrophe . For example if a fire consumes the server room , all data settings and emails will be restored to a new server if needed .
5. Remote Access – remote access to the system will be provided as needed, giving users access to their files, emails and other resources from a remote location
6. Central VPN Solution – this will allow remote locations such as Corona, Capitan Ruidoso etc to connect to the central Carrizozo complex as if they were on the same network
7. Central network security and monitoring - Both network security and monitoring will be implemented across the network as part of the solution.
8. Exchange Email Server – all emails will be handled via an on-premises Exchange server using a new .GOV domain . All emails will now be standardized with a single naming convention
9. Some older PCs (mostly in off site locations) which are currently on their last leg will be replaced
10. PCs which require a simple memory upgrade will be handled as well
11. All aging network equipment will be replaced to meet a 1GB per second speed standard .

12. At the completion of the project , detailed network documentation and diagrams will be created and provided to the county so that every single aspect of the network is properly documented.

User Impact

During our 1 week central campus project , users can expect the following: (this will not affect the Sheriff's department)

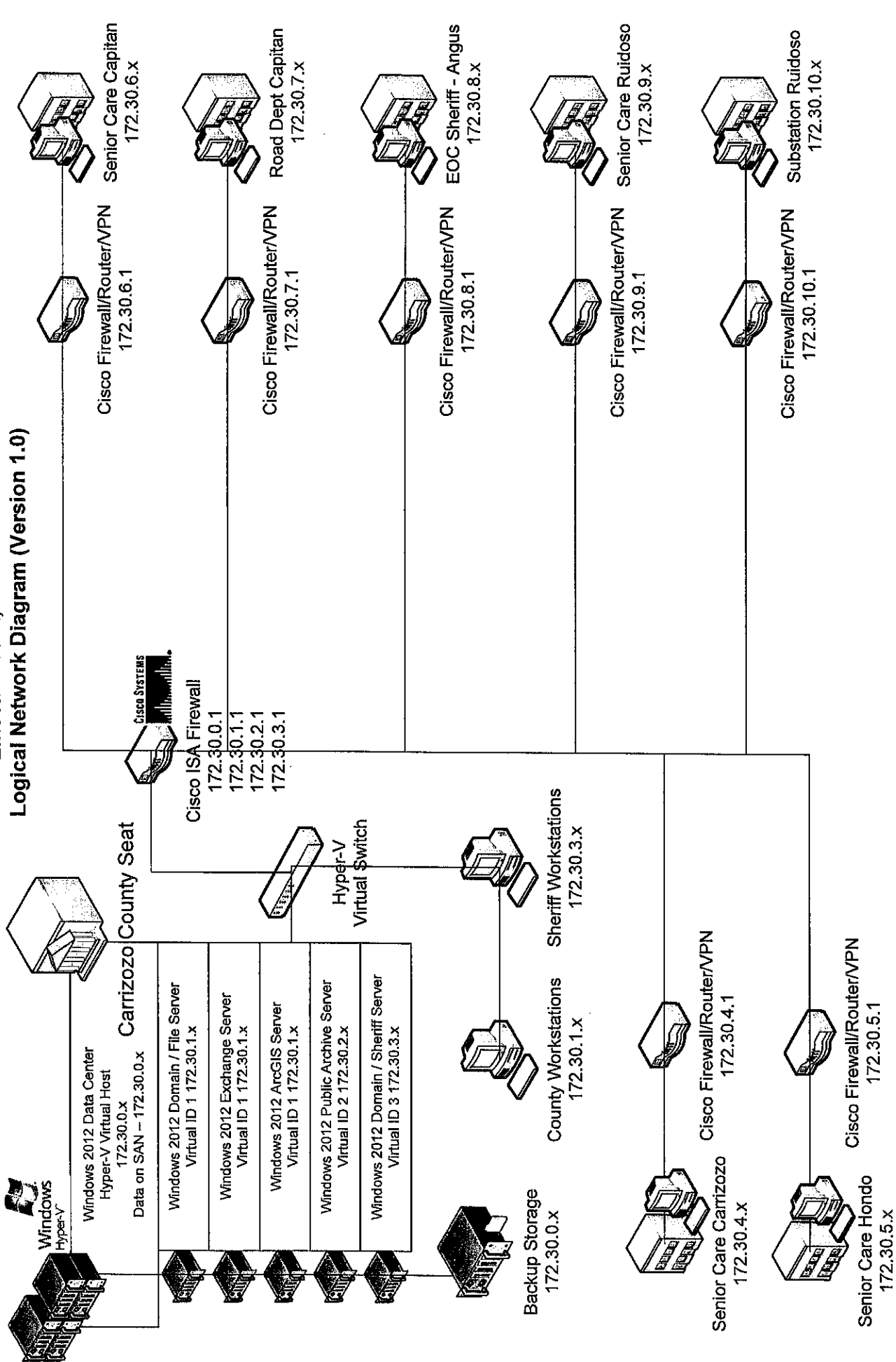
1. During our first day there will be a single 2-3 hour period (at most) where the majority of the network will be down – this will happen while we change over all equipment from the old cabling to the new cabling installed by sound and signal. Unfortunately there is no quick way to avoid this aspect of the project, and we will try to move as fast as possible
2. Once cables have been replaced we will now move on to domain migration starting at the manager's office , moving on to other departments , with the Clerk being the very last department .
3. During this time, we will handle PC migration in groups of 3 to 5 , so that at any given time a small number of PCs will be "off line". Once we are done with those PCS , users will be able to continue to work while being connected to the new domain.
4. As network equipment is being swapped, there may be small 20-30 minute periods of downtime . Systems MD will make every possible effort to minimize those or to inform users ahead of time, however there is no avoiding this as we are changing the entire network infrastructure
5. In general users should be aware that while we perform the project, IT may be unreliable at times .

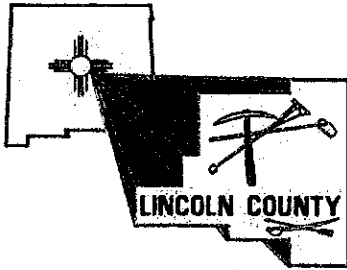
Sheriff's Department

The Sherriff's department impact will be a bit different from the rest of the county as they will not be joined to the central domain and will have network cables and switch changed over without major changes to the IT infrastructure . This means that the department will experience very minimal downtime (that will not impact emergency dispatch), during the last day of the project, most likely on Friday . Interruption to individual users should be about 20 minutes at the very most .

Recommendation: No action—informational only.

Lincoln Count, New Mexico Logical Network Diagram (Version 1.0)





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AGENDA ITEM NO. 13

September 12, 2013

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Lincoln County Courthouse/Sheriff's Complex Expansion

Purpose: To update the Commission on status and next steps of the Courthouse/Sheriff's Office Complex Expansion.

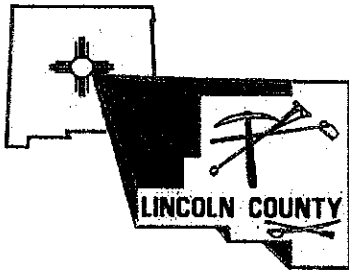
Discussion: James Parker with JRP Master Builders, the general contractor for this construction will provide an overview of status to date, and next steps.

RECOMMENDATION: No action required. Information only.

Agenda Item No. 14
September 11, 2013

SUBJECT

9:30 A.M. Public Comment and Other Business from County Officials
(Items are for discussion only – no action will be taken)



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AGENDA ITEM NO. 15

September 12, 2013

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Lincoln County Medical Center Condition Assessment

Purpose: To consider entering into a Professional Services Agreement for the performance of a Condition Assessment of the Lincoln County Medical Center

Discussion: LCMC and Architect who designed and has oversight for the construction of the Physician's Office Building have recommended that a "Condition Assessment" of the current Lincoln County Medical Center building and physical plant be conducted to educate the Commission of the overall health of the building, the potential lifespan of the building and the potential costs of bringing the infrastructure up to standard.

Manager agrees that such a study would be valuable to the Commission in providing information necessary for it to meet its continued responsibility to provide hospital and health care services to Lincoln County residents. It is critical to know ongoing estimated costs of maintaining the existing building compared to the cost of building a new facility, as seen by the LCMC Master plan.

Over a number of years and projects, Lincoln County has developed strong professional relationships with a number of engineering and architectural firms. Very similar to the scope of work required to perform the proposed comprehensive condition assessment of the existing Lincoln County Medical Center is the scope of work previously identified to have performed the energy audit for the entire Commission Complex in Carrizozo. Vertterre Corporation conducted that study for us, resulting in the County knowing precisely what work is recommended from an energy audit perspective, that would at some point pay for itself through energy savings; what work is recommended that the cost would not be recovered through energy savings, and what the associated monetary costs would be for each step. Manager requested Vertterre to submit a proposal for performing a comprehensive condition assessment of the existing Lincoln County Medical Center. See proposal at Enclosure 1 and summary of qualifications at Enclosure 2.

RECOMMENDATION: Grant Manager authority to enter into a professional services contract with Vertterre Corporation to perform a comprehensive condition assessment of LCMC.



VERTTERRE
C O R P O R A T I O N

"Engineering a Greener Planet"

**Professional Service
Proposal**

To:
Lincoln County
Nita Taylor
County Manager
300 Central Avenue
Carrizozo, NM 88301

From:
VERTTERRE Corporation
320 Gold Ave., SW
Suite 500
Albuquerque, NM 87102
PH. 505-877-4499
FAX. 505-242-0511

ENCL 1

PROPOSAL: LINCOLN COUNTY MEDICAL CENTER CONDITION ASSESSMENT

September 3, 2013

To Lincoln County
Nita Taylor
County Manger
300 Central Ave.
Carrizozo, NM 88301
575-648-2385 Ext. 101

**Re: PROPOSAL: LINCOLN COUNTY MEDICAL CENTER CONDITION
ASSESSMENT**

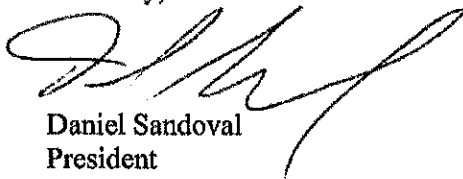
Dear Ms. Taylor:

VERTTERRE CORPORATION (VERTTERRE) is pleased to submit this proposal for performing a comprehensive condition assessment of the existing Lincoln County Medical Center located in Ruidoso, NM

Attached is a Scope of Services and General Provisions. The total fee to complete the scope of services is \$27,000. We anticipate it will take us 6 weeks from date of execution of services contract to deliver final report to Lincoln Country.

We appreciate the opportunity to work with you on this project. If you should have any questions, please call me.

Sincerely,



Daniel Sandoval
President

Enclosures

PROPOSAL: LINCOLN COUNTY MEDICAL CENTER CONDITION ASSESMENT

Scope of Project

VERTTERRE will provide a comprehensive building assessment and audit of facility conditions for the Existing Lincoln County Medical Center in Ruidoso, NM. The areas of the Medical Center that will be investigated are all Facilities built from 1948 to 2003. This includes 52,432 square feet of space.

The systems that will be investigated are:

1. Heating Ventilation and Air Conditioning Systems
2. Plumbing Systems
3. Lighting Systems
4. Electrical Distribution
5. Kitchen Equipment
6. Exhaust and Make up air Systems
7. Building Envelope to include: Windows, Doors, Roofs, and Exterior Construction.

Assessment will include:

- Define health care codes to determine what is the minimum facility requirements in each area of the medical center
- Identify all existing deficiencies and code violations of systems investigated.
- Develop recommendations and cost estimates to address deficiencies and code issues.
- Compare total cost of bringing existing hospital up to code vs. building new based on cost estimates for new hospital developed in previous planning study.
- Estimate service life of existing facilities.
- Develop ongoing repair and operating cost of existing facilities.
- Identify which repairs if any will require further code upgrades for the facility.

Executive summary to address:

- Adequacy of Facility to service Lincoln county residents based on functionality and compliance of systems investigated.
- Identify cost to insure the facility meets the need of the Medical Center Personnel
- Determine Service Life of facility and estimate when the county needs to consider a new hospital.

PROPOSED TOTAL FEE	\$27,000.00
---------------------------	--------------------

*Proposed fee includes NM Gross Receipts Tax

ASSUMPTIONS AND CONDITIONS

The following items are not included in this proposal and, if required, will be billed hourly at rates set forth above:

- No Design services are included in this proposal
- Only Systems Identified will be addressed in this proposal

Introduction

Vision

The Vision of Vertterre Corporation is to design and implement the most efficient Electrical and Mechanical systems available and reduce the use of conventional energy systems in order to create a greener planet.

Vertterre is a leader in converting non conventional fuels into energy. We have been involved in alternative fuels projects throughout the country and continue to lead the way in reducing the global impact of in-efficient energy systems.

Firm Background

Vertterre Corporation (Vertterre) is a division of EQM Technologies and Energy Inc., and is based in New Mexico. EQM Technologies and Energy Inc. is a U.S.-based, sustainable-solutions company providing consulting and technology to business and government along with a commitment to produce renewable energy. No matter the mission you're striving for, we deliver a high level of service and proven solutions needed to address the most pressing issues. Combining insight and innovation from multiple disciplines and market sectors, Vertterre helps clients in the U.S. and abroad advance their goals for long-term success. We are committed to providing high quality, environmentally conscious and economical engineering solutions that meet and exceed our customer's standards. The proof of our hard work is reflected in our ability to continue to provide excellent service to our growing customer base.

Vertterre's central office is located in Albuquerque with branch offices in Dallas, TX, Houston TX and Bloomfield, NM. Vertterre was established in 2003 and since then our company has been making strides in the energy and engineering field throughout the United States. Vertterre specializes in providing mechanical and electrical engineering services that focus on energy conservation and the utilization of renewable energy technologies. These services allow for the customer to achieve substantial energy savings and reduce the facilities carbon footprint.

The Principals of Vertterre Corporation have been recognized for outstanding project engineering by Los Alamos National Labs, Public Service Company of New Mexico, Honeywell International, The US Postal Service, PepsiCo and others. As a team, Vertterre has received several awards that demonstrate the company's commitment to develop renewable energy solutions and converting non-conventional fuels into sustainable energy solutions. The most recent examples of these awards are:

Inc. 500:	#239 Fastest Growing Company in the U.S, 2009 #6 Fastest Growing Green Company in the US, 2009 #32 Fastest Growing Energy Company in the U.S, 2011
MBDA:	US Department of Commerce, Minority Engineering Firm, 2011
Hispanic Business Magazine:	Top 10 Hispanic Engineering Services Company in the US - 2009, 2010, 2011, 2012

The Vertterre team is composed entirely of highly experienced professionals. Most importantly, this design team has a history of producing quality projects that fully meet the needs of the customer. With this proposal, we have included a list of some past projects and the resumes of our key personnel to further demonstrate why our company continues to thrive in today's economy.

Energy Modeling

Vertterre has extensive experience in Energy Modeling, utilizing TRAN-TRACE, and has performed Energy Modeling for over 19 million sq. ft. of space during the past 3 years.

Energy Conservation and Sustainability

Vertterre integrates design analysis for large, complex projects and/or for projects containing innovative energy design features. Analyzing the performance of the building as a whole improves the Design Team's ability to optimize interactive efficiency effects of the various systems.

We develop our analysis and models based on the most detailed level of data available and formulate recommendations that increase system performance and create energy savings. Where system modifications are needed, Vertterre has the internal expertise needed to not only recommend, but also design energy-efficient solutions.

Due to the firm's extensive facility management and construction experience, Vertterre can also assist the client with the implementation of the recommendations, implementing minor tune-ups with our own team, or managing larger modifications through others on the client's behalf. Once the system and procedural modifications are completed, Vertterre can provide the client and its team with training on the new systems and/or procedures.

Vertterre can also provide measurement and verification services, which measure the energy performance of the completed project to determine the energy savings achieved. As a building commissioning services provider, Vertterre is uniquely qualified to test, measure, document and verify the functional performance of building systems.

Approach to Cost Estimating

Vertterre's cost estimating procedures begin with a clear understanding of all components of the design and construction of the project. We provide estimates for every milestone of the design process. This allows us to track potential cost increases and potential savings prior to bidding and construction.

CAPACITY AND CAPABILITY

HISTORY OF OUR TEAM

The Vertterre Corporation team proposed for this project has extensive experience collaborating together on similar projects. We have a successful, proven track record of working together to meet schedules, budgets and administrative requirements on project similar to the NMSU project.

ENGINEERING SERVICES

We have implemented energy audits and energy projects for entities throughout the United States beneficially helping its customers reduce energy related costs. The Vertterre team has performed energy audits for 110 facilities through the south west totaling 15Million SF and found \$10.1M in energy savings through lighting retrofits, HVAC, water/wastewater reduction, utility rate evaluations and rebates. Vertterre takes pride in its industry leadership role in providing renewable energy solutions.

ENERGY DEVELOPEMENT

Since its inception, Vertterre has completed some of the largest most complex biomass to energy projects in the United States. Vertterre has designed, developed and implemented electrical and thermal energy systems based on bio-derived waste, landfill gas, solid waste and biomass both domestically and internationally. This experience has led to the development of 7 patents relating to Combined Heat and Power (CHP) technologies. This has led Vertterre to become an industry leader in Landfill Gas to Energy Systems.

Resumes



Daniel Sandoval, PE

Electrical Engineering
Principal
Vertterre Corporation

Daniel is the Principal and Founder of Vertterre Corporation. Daniel will be the main Point of Contact for this contract. Daniel has extensive experience related to electrical infrastructure projects, energy conservation and renewable energy technologies applying these technologies to many projects thereby reducing the life cycle cost, while increasing the usability and comfort of existing facilities. Daniels worked as a principal Sub-transmission distribution systems planner for the Public Service Company of New Mexico for 10 years. Daniel was also the lead engineer for the Parkland Central Plant design project. This was the largest Hospital project to be completed in the United States in the last 7 years.

Experience: 19 Years

Education:

- Bachelor of Science in Electrical Engineering, University of New Mexico

Registration:

- Electrical Engineer: NM, TX, WA

Relevant Project Experience:

- Fort Bayard Medical Center,
- Parkland Hospital New Central Plant,
- Sunland Park Landfill Gas to energy System

- Multiple NMSU Projects
- Hudson Valley Community College Combined Heat and Power System
- Mercer Community College Central Plant Conversion and Combined heat and Power project.
- Cerro Colorado Landfill Gas to Energy System



Pat McMahon - PE

Senior Manager – Mechanical Engineering Department

Pat McMahon has 40 years experience in the HVAC Construction Industry. Pat received his BSME degree in Mechanical Engineering in 1983 from Iowa State University and has been a Professional Mechanical Engineer for the last 18 years. As a Consulting Engineer Pat designed and managed HVAC upgrades for numerous office buildings, Research and Development Labs, Industrial Ventilation and Exhaust Projects and Cleanroom Facilities in Silicon Valley. He served as a Product Development Engineer for manufacturers in the HVAC Industry and authored several engineering white papers while working for manufacturer's in the HVAC Industry. He has extensive experience in HVAC control systems, temperature and humidity control in research and development labs for the Pharmaceutical and Microprocessor Industries (Cleanrooms), specialized ventilation and exhaust systems and large chilled plant facilities.

Experience: 40 Years

Education:

- Bachelor of Science in Mechanical Engineering, Iowa State University

Registration:

- Electrical Engineer: NM, TX, WA

Relevant Project Experience:

- Fort Bayard Medical Center,
- Parkland Hospital New Central Plant,
- Sunland Park Landfill Gas to energy System

- Multiple NMSU Projects
- Hudson Valley Community College Combined Heat and Power System
- Mercer Community College Central Plant Conversion and Combined heat and Power project.
- Cerro Colorado Landfill Gas to Energy System



Jeffrey Mettling, SED LEED AP

Director of Electrical Engineering
Vertterre Corporation

Jeff is the Director of Electrical Engineering for Vertterre. He has extensive experience energy conservation projects and specializes in the design and specification of Lighting, Solar and Power Distribution. Jeff is dedicated to quality and design for clients. Jeff will act as the Project Manager, managing day-to-day activities among the various disciplines and ensuring that the project stays on schedule. He will also serve as the back-up point of contact for all client communications.

Experience: 22 Years

Education:

- AS in Architectural Technology & Drafting, NM TVI

Registration:

- LEED Accredited Professional

Relevant Project Experience:

- Grand Prairie Landfill Gas to Electrical Conversion

- NM State Fair – Midway Primary Distribution modifications and upgrades.
- Bell Solar – 1.2 MW
- NM Museum of International Folk Art – Electrical Service Upgrades
- NM Sunport Solar installation and primary distribution.

**Jeremy Mohler, SED NICET III**

Area Manager
Vertterre Corporation

Jeremy is the Area Manager for the Las Cruces area office. Mr. Mohler has extensive experience in electrical service modification, Electrical generation for medical, utility and emergency response facilities. In addition, he specializes in lighting design and controls, fire alarm and special systems. Jeremy will be involved with the design aspect of the project.

Experience: 10 Years

Education:

- National Certification Engineering Technologies, NM

Registration:

- NICET Level 3

Relevant Project Experience:

- Durango Discover Museum

- Lee Acres Fire Dept – Backup Generation and Distribution.
- Mercy Hospital – Lighting and Electrical design and Backup generation.

**Richard Chaves**

Senior Mechanical Designer

Richard Chavez has over 30 years of experience in project administration and designing mechanical and plumbing systems for Educational Facilities, Government, Commercial and Private Sector. He has extensive knowledge of ASHREA, IBC and Mechanical standards and codes. His responsibilities include Project Coordinator, Construction Administrator, Specifications, Submittal review and CAD production.



Tony Cde Baca
Senior Mechanical Designer

Tony C deBaca has over 34 years of experience in project administration and designing mechanical and plumbing systems for Educational Facilities, Medical Facilities, Government, Commercial and Private Sector. He has extensive knowledge of ASHREA, IBC and Mechanical standards and codes. His responsibilities include Project Coordinator, Senior Mechanical Designer, Construction Administrations, Specifications, Submittal Review.



Michael Montano
Electrical Designer

Michael has 3 years experience in electrical design and 10 years experience in computer drafting. Michael has designed electrical systems for Residential, Schools, Detention Centers, Commercial, and Government projects. He has extensive knowledge of the IES and NEC codes. He has done projects in AutoCAD, Microstation, Solidworks, Inventor, Visual, and Revit. His past projects include Los Alamos TRU Waste Phase 2, Ramah Detention Center, Artesia Library, Pine Ridge Utility Upgrades, and Window Rock Supreme Court

Other Services We Offer

Vertterre / EQM can provide the following services to our clients:

- Water Reclamation
- Emissions Collection
- Inspection Services
- Commissioning of Mechanical and Electrical Systems
- Retro-Commissioning
- Measurement and Verification Services

Mechanical Engineering

- Heating, Ventilation and Air Conditioning (HVAC)
- Plumbing
- Fire Protection

Electrical Engineering

- Electrical Utilities, Power Distribution & System Controls
- Lighting
- Fire Alarm
- Communications
- Data Networking
- Special Systems

Project and Construction Management

- Field Consulting
- Project O&M Manuals
- Production of As-Built Drawings
- Quality Assurance and Construction Inspection
- Code Reviews
- Construction Management

Professional Engineering Services

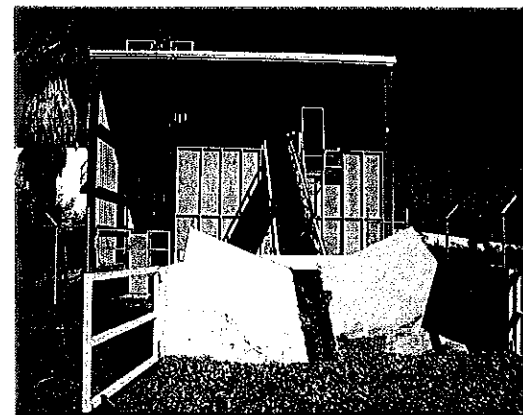
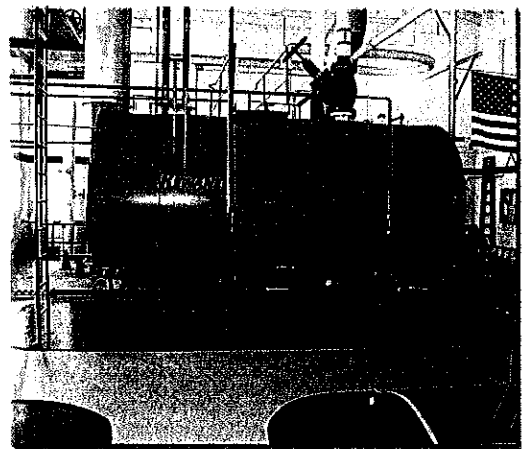
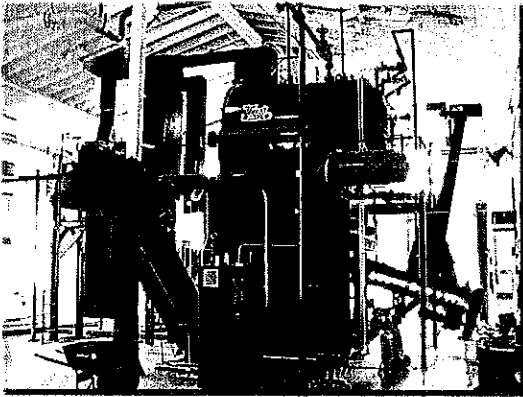
- Design Review
- Construction Cost Estimation
- Design Document Preparation
- Feasibility, Design and Engineering Studies

References:

Joe Close, Los Alamos National Labs, Utility Dept.	505-665-8410
Brian Johnson, NM Energy Mineral and Natural Resources	505-476-3313
Jay Mortensen, Mountainair Public Schools	505-847-2211
Nita Taylor, Lincoln County Manger	575-648-2385
Colin Messer, NM Energy, Minerals and Natural Resources,	505-476-331

Project Summaries

Ft Bayard Medical Center Central Plant Renovation



The New Mexico Energy, Minerals, and Natural Resource Department, along with the New Mexico Property Control Division contracted with Vertterre Corporation to design and implement the conversion of the existing Steam Central plant to a woody biomass boiler system at the Ft. Bayard Medical Center's in Ft. Bayard, NM. The steam Plant provided the Medical Center steam for its daily operations as well as to satisfy thermal loads.

The project consisted of removing an existing 400bhp steam boiler and installing a new, 125 bhp, 5,000,000 Btuh, wood-chip fired steam boiler and the necessary infrastructure to convey the wood-chips from an exterior holding bin. The Steam Plant, along with many other buildings on the Ft. Bayard campus, is a registered historic building with both the New Mexico Historic Preservation Department and the National register of Historic Places. Because of this the design had to minimize exterior building changes, such as wall and roof penetrations, to keep the historic nature of the Steam Plant.

Services provided consisted of:

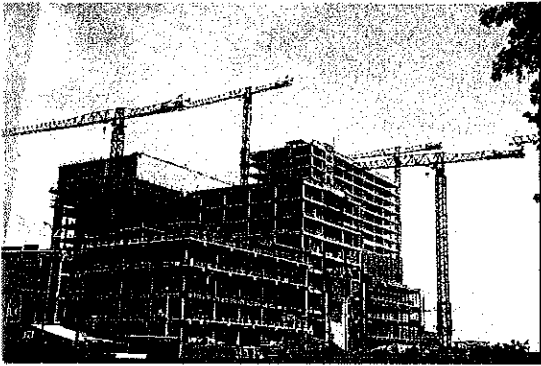
- Design of a fully integrated woody biomass boiler system while minimizing changes to a registered historic building.
- Design of the fuel storage and feeding systems.
- Design of the interconnect of the new wood-chip fired boiler into the existing two boiler system.
- Design of the electrical interconnection of the new equipment.
- Design of the plant control of the system.
- Construction Administration
- Commissioning of New Central Steam Plant

Project Location: Ft Bayard, NM

Project Completion: May 2010

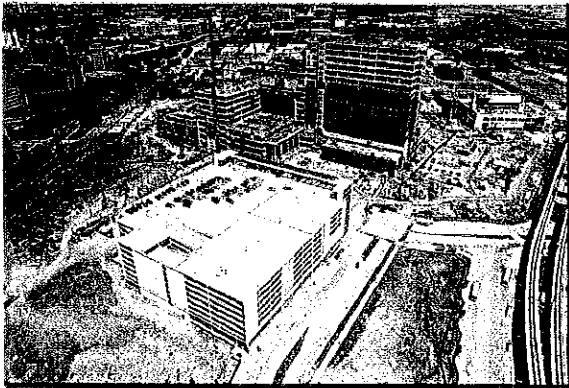
Project Cost: 1,400,000

PARKLAND HOSPITAL CENTRAL PLANT



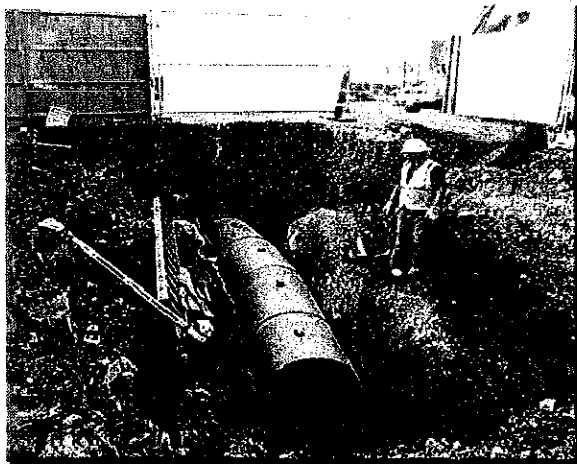
Vertterre Corporation provided a comprehensive feasibility study for the requirements and implementation of the new Central Plant for the new Hospital. This study investigated cogeneration and other energy options for the central plant of the New Parkland Hospital. Vertterre also provided complete preliminary design services for the New Central plant, this included selecting and laying out all major equipment, sizing of the central plant laying out and preparing design/build bidding documents.

The New Parkland Hospital is a 2.5 million square foot facility including a 13-story main hospital tower, a 3-story administration office building, and a 3-story clinic building with room for future expansion. The central plant serves all of these facilities and is approximately 80,000 sq. ft space.



Services Provided:

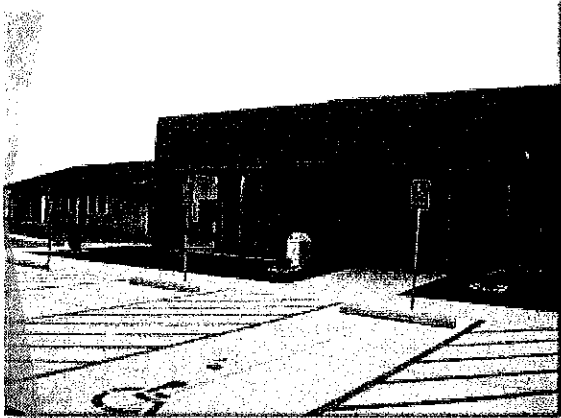
- Comprehensive study that investigated the feasibility of Cogeneration, Ice storage systems, Geothermal Systems, alternate type of boiler systems. The study analyzed the life cycle cost of each alternative and made recommendations for the best mechanical and electrical systems to be implemented into the new hospital.
- Complete preliminary design services. Design of Central Plant through Design development Phase.
- Preparation and development of Design/Build bidding documents.
- Design of the electrical interconnection of the new equipment Design of the plant control of the system



Project Location:
Project Completion:
services completion:
Project Cost:

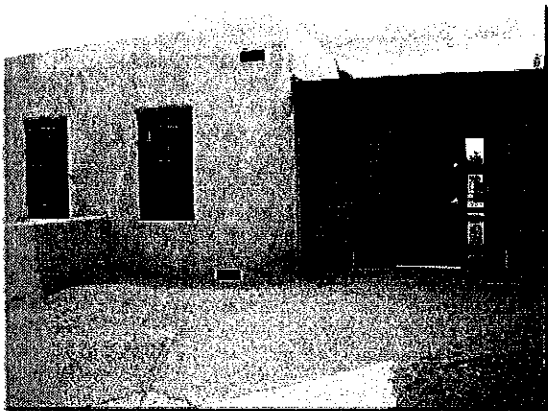
Dallas TX
In construction, Design
in November 2010
\$82,539.125 (Central
Plant Only)

ZIA PUEBLO HEALTHCARE CENTER



The Pueblo of Zia, a community of about 800 people in a remote area 40 miles northwest of Albuquerque, submitted their proposal for the Healthcare Center in August of 2008.

Prior the completion of the project the residents of the Pueblo of Zia lacked health service infrastructure and had to travel the 40 miles to Albuquerque to utilize the health services of the Albuquerque Indian Health Center. If the distance did not produce enough of a challenge, the limits on hours of operation, services and appointment availability made health care virtually inaccessible for these individuals and families. The new Healthcare Center was conceptualized to provide access to health services including physical therapy, optical, counseling and behavioral health. The Zia Pueblo Ambulatory Healthcare Center broke ground on the fall of 2008 and opened its doors to a grateful community in February of 2010.



Vertterre Corporation provided all Electrical and Mechanical Engineering services of the design and Construction Administration of this 7,000 sf state of the art medical center.



The project consisted of:

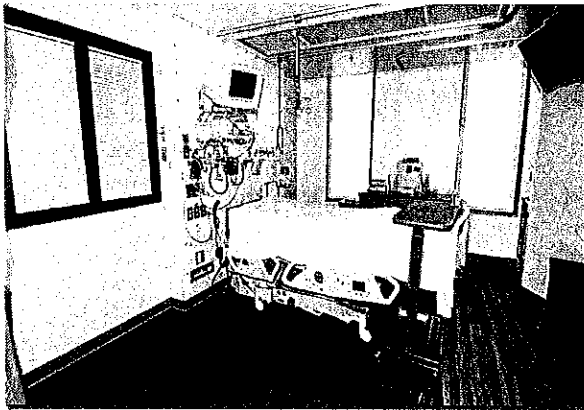
- Electrical Engineering
- Mechanical Engineering
- Construction Documents
- Construction Administration

Project Location:	Zia Pueblo NM
Project Completion:	August 2010
Project Cost:	2,200,000

LOVELACE MEDICAL CENTER DOWNTOWN DEPARTMENT REMODEL



The Design Group collaborated to create and implement an ambitious Master Plan for Ardent Healthcare System's Downtown Lovelace Medical Center - Downtown. The goal of this project was to create an environment that promotes healing within a state-of-the-art campus and. In addition to modernizing and renovating the entire existing hospital, substantial medical office space was added and 850 new parking spaces were created, providing easy access and circulation for campus visitors. The project was phased over several years. Included in the project were major finish upgrades to patient floors; including ICU, SDU and CCU. Public spaces throughout the facility and upgrades to the central plant were also included in this project.



SERVICES PROVIDED

- Master Planning
- Programming
- Design
- Construction Documents
- Construction Administration
- Civil Engineering
- Interior Design
- Equipment Planning/Coordination

Project Location: Albuquerque, NM

CHRISTUS ST. VINCENT REGIONAL MEDICAL CENTER



For over 11 years, The Design Group team has worked with Christus St. Vincent Regional Medical Center (CSVRMC) in creating, updating, and implementing their Master Plan. The CSVRMC Master Plan is conceived as a flexible planning tool, with periodic updates to address the evolving strategic goals of the healthcare center. Specific projects include the Emergency Department (ED) Expansion, Surgery Remodel, Inpatient Units, public areas and site improvements; as well as outpatient and ancillary services areas.

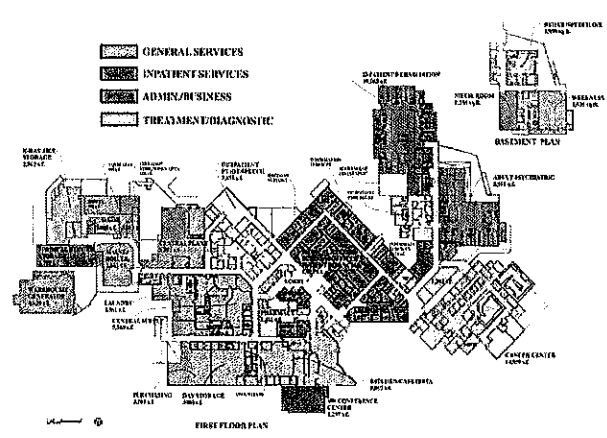
The ED project (in collaboration with Freeman White) encompassed a 22,000 square foot addition and approximately 10,000 square feet of renovation area to the existing ED. It effectively triples the ED's capacity and also provides direct accessible parking for patrons. The project includes two resuscitation trauma rooms, thirty-six exam rooms, enhanced decontamination and isolation facilities, dedicated mental health rooms, a specific pediatric care, waiting and exam rooms, as well as a centralized nurse core that provides 100% nurse to patient visual access with a large overhead skylight to provide natural light and warmth into the working environment.



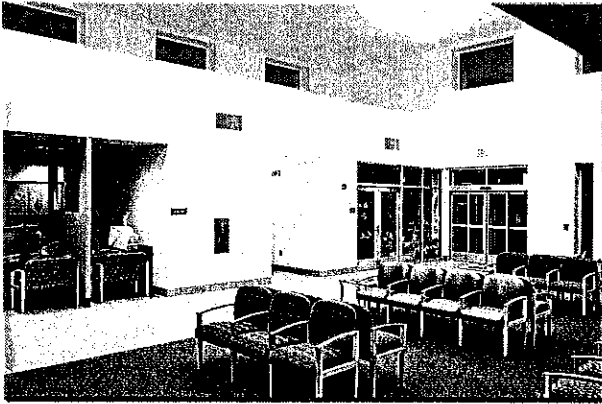
SERVICES PROVIDED

- Master Planning
- Programming
- Design
- Construction Documents
- Construction Administration
- Civil Engineering
- Interior Design
- Equipment Planning/Coordination

Project Location: Santa Fe, NM



MINER'S COLFAX MEDICAL CENTER



After collaborating with the owner who had initially planned an extensive renovation of their existing hospital, The Design Group designed a replacement hospital for the existing Miners' Colfax Medical Center in Raton, New Mexico. This is a state funded hospital for the town of Raton and the Miners of New Mexico.

This 72,000 square foot community hospital is comprised of 24 double occupancy patient beds, one isolation/accessible patient bed, 4 LDRP rooms, and 4 ICU rooms. The hospital includes two operating rooms, an emergency department with 2 trauma rooms, an in-house lab, pharmacy and imaging department, an outpatient clinic, and an outpatient cardiology clinic.

The hospital has massing that is fragmented to have each major hospital department legible from the exterior. In addition, color was used as a way finding tool both on the interior and exterior to indicate each major hospital department. Patient rooms were orientated to take advantage of the adjacent mountain views. The project has interior courtyards near the dining area and the family waiting areas. The courtyards bring natural light into the main corridors and allow for families to enjoy the outdoors while waiting or dining.



SERVICES PROVIDED

- Master Planning
- Programming
- Design
- Construction Documents
- Construction Administration
- Civil Engineering
- Interior Design
- Equipment Planning/Coordination

Project Location: Raton, NM

PROXIMITY AND FAMILIARITY

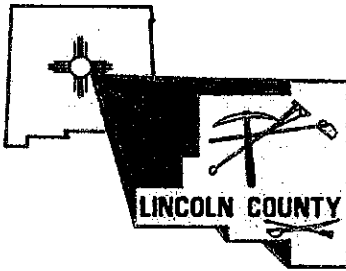
PROXIMITY TO OR FAMILIARITY WITH LINCOLN COUNTY NEW MEXICO

The Vertterre team has extensive expertise collaborating on New Mexico projects that include federal and local grant and funding components, state and local jurisdictional agency involvement and community participation. We have completed two Projects in Lincoln County in the Past year and are very familiar with the area.

WORK IN NEW MEXICO

AMOUNT OF WORK TO BE PERFORMED IN NEW MEXICO

Vertterre Corporation and all of our consultants have offices in New Mexico. 100% of the design work will be produced In New Mexico.



www.lincolncountynm.net

County of Lincoln

P.O. Box 711 • 300 Central Ave. • Carrizozo, New Mexico 88301-0711 • (575) 648-2385

AGENDA ITEM No. 16

September 12, 2013

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager

SUBJECT: Sole Community Provider & Indigent Health Care Claims

Purpose: To obtain the approval from the IHC Board of Sole Community Provider Payments, and the Indigent Health Care (IHC) Payments.

Discussion:

Sole Community Provider Payments: This month our coordinator processed fifty-five claims (55), fifty-four (54) of which are recommended for approval, and one (1) for disapproval for the reason indicated at Enclosure 1. If approved, the total recommended payment this month is **\$92,947.33**. See Enclosure 1.

Indigent Health Care Claims: This month our coordinator processed ninety-two (92) claims. Eighty-four (84) are recommended for approval and eight (8) for disapproval for the reasons indicated at Enclosure 2. If approved, total recommended for payment this month is **\$21,187.00**. At Enclosure 3 is a summary of total applications approved and denied.

Manager's Analysis – For the last two years, the average Indigent Health Care monthly payments were **\$21,651** and **\$24,262** respectively. The FY 12-13 year-end total was **\$291,140.11**, with a monthly average of **\$24,261.68**. Our budget for FY13 - 14 is \$393,278. To date, the total expenditure is \$69,138.75, or an average of \$23,046.25 monthly.

Similarly, for the last two fiscal years, the total Commission-approved Sole Community Provider Claims were **\$1,201,132** and **\$1,371,890** respectively. The FY 12-13 year-end total was **\$1,371,889.88**, with a monthly average of **\$114,324.16**. To date, the total expenditure is \$316,942.61, with a monthly average of \$105,647.54. The total budget for the first half of FY13-14 is \$1,100,000, with the county portion \$922,148 or 73%. Attached at Encl. 5 are IHC and SCP tracking charts for the previous and current fiscal years.

Recommendation: Approve and disapprove the claims as indicated for the Sole Community Provider report at Enclosure 1 and the Indigent Health Care Program report as indicated at Enclosure 2.

Approved: _____
Jackie Powell

SOLE COMMUNITY PROVIDER CLAIMS FISCAL YEAR 2013 - 2014

PREVIOUS AMOUNT APPROVED THIS FISCAL YEAR \$223,995.28

ADJUSTMENTS

TOTAL ADJUSTMENTS: \$0.00 \$0.00

SEPTEMBER # CLAIMS FOR APPROVAL	54
# CLAIMS FOR DENIAL	1
SEPTEMBER # TOTAL CLAIMS	55

SEPTEMBER TOTAL \$ AMOUNT APPROVED \$92,947.33

TOTAL # CLAIMS THIS FY APPROVED	180
TOTAL # CLAIMS THIS FY DENIED	4
TOTAL # CLAIMS FY 2013 - 2014	184

TOTAL APPROVED THIS FISCAL YEAR \$316,942.61

FACILITY: LINCOLN COUNTY MEDICAL CENTER 09/17/2013 THROUGH 09/17/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
19606	07/15/2013	1993.00	1534.61	077%
19607	07/17/2013	3273.00	2520.21	077%
19662	09/29/2012	2188.00		000%
PAST FILING DEADLINE				
19592	06/28/2013	1143.00	880.11	077%
19727	08/23/2013	539.00	415.03	077%
19615	01/22/2013	7359.60	5666.89	077%
19593	07/08/2013	303.00	233.31	077%
19594	07/09/2013	302.00	232.54	077%
19595	07/24/2013	484.00	372.68	077%
19665	03/10/2013	712.12	548.33	077%
19668	08/01/2013	81.56	62.80	077%
19669	08/06/2013	402.00	309.54	077%
19597	07/14/2013	1251.00	963.27	077%
19670	03/01/2013	694.00	534.38	077%
19671	03/25/2013	871.00	670.67	077%
19672	04/08/2013	325.00	250.25	077%
19673	04/09/2013	3304.01	2544.09	077%
19728	08/16/2013	2179.00	1677.83	077%
19640	06/21/2013	3278.40	2524.37	077%
19627	08/07/2013	708.00	545.16	077%
19710	06/17/2013	3123.00	2404.71	077%
19634	07/18/2013	760.00	585.20	077%
19635	07/24/2013	447.00	344.19	077%
19637	08/08/2013	5194.00	3999.38	077%
19643	08/13/2013	7345.00	5655.65	077%
19664	08/19/2013	17196.60	7450.23	043%

FACILITY: LINCOLN COUNTY MEDICAL CENTER

09/17/2013 THROUGH 09/17/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
19645	11/15/2012	2936.60	2261.18	077%
19648	05/26/2013	144.40	111.19	077%
19650	07/04/2013	1730.00	1332.10	077%
19651	07/11/2013	740.00	569.80	077%
19652	07/15/2013	182.00	140.14	077%
19658	08/08/2013	5312.00	4090.24	077%
19712	08/23/2013	563.00	433.51	077%
19660	07/30/2013	550.00	423.50	077%
19707	02/10/2013	8779.40	6760.14	077%
19713	02/24/2013	2432.40	1872.95	077%
19714	02/25/2013	915.00	704.55	077%
19677	07/29/2013	1249.00	961.73	077%
19678	08/06/2013	263.00	202.51	077%
19679	08/20/2013	2343.00	1804.11	077%
19729	08/23/2013	240.00	184.80	077%
19735	08/03/2013	17513.90	9454.10	054%
19682	08/16/2013	621.00	478.17	077%
19683	05/15/2013	520.20	400.55	077%
19686	08/09/2013	1527.00	1175.79	077%
19688	08/21/2013	564.00	434.28	077%
19598	06/24/2013	70.00	53.90	077%
19692	06/28/2013	1324.00	1019.48	077%
19694	08/07/2013	3454.01	2659.59	077%
19695	08/18/2013	4742.80	3651.96	077%
19715	08/03/2013	5682.63	4375.63	077%
19599	07/10/2013	4891.00	3766.07	077%
19702	08/01/2013	229.00	176.33	077%
19600	07/19/2013	303.00	233.31	077%
19601	07/09/2013	377.00	290.29	077%

92947.33

APPROVED- 54 REJECTED- 1

INDIGENT HEALTH CARE CLAIMS FISCAL YEAR 2013 - 2014

PREVIOUS AMOUNT APPROVED THIS FISCAL YEAR \$47,951.75

ADJUSTMENTS

TOTAL ADJUSTMENTS:

SEPTEMBER # CLAIMS FOR APPROVAL	84
# CLAIMS FOR DENIAL	8
SEPTEMBER # TOTAL CLAIMS	92

SEPTEMBER TOTAL \$ AMOUNT APPROVED \$21,187.00

TOTAL # CLAIMS THIS FY APPROVED	204
TOTAL # CLAIMS THIS FY DENIED	26
TOTAL # CLAIMS FY 2013 - 2014	230

CURRENT TOTAL APPROVED THIS FISCAL YEAR \$69,138.75

*Assuming the above is approved

ENCL 2

FACILITY: ANESTHESIA ASSOCIATES OF NM 09/17/2013 THROUGH 09/17/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID
19659	08/08/2013	833.00	137.55 017%
19675	06/18/2013	1547.00	255.45 017%
			393.00

APPROVED- 2 REJECTED-

FACILITY: FRONTIER MEDICAL 09/17/2013 THROUGH 09/17/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID
19614	05/01/2013	103.89	103.89 100%
			103.89

APPROVED- 1 REJECTED-

FACILITY: GERALD CHAMPION REGIONAL MED CTR 09/17/2013 THROUGH 09/17/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID
19708	02/15/2013	19081.17	3298.47 017%
19689	03/19/2013	170.50	131.29 077%
19697	04/15/2013	1185.60	912.91 077%
19698	05/06/2013	104.10	80.16 077%
			4422.83

APPROVED- 4 REJECTED-

FACILITY: LC AMBULANCE-PRES HEALTH SVCS 09/17/2013 THROUGH 09/17/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID
19596	07/14/2013	837.20	500.00 060%
19709	08/26/2013	514.80	500.00 097%
19639	06/21/2013	2397.20	500.00 021%
19706	02/10/2013	910.00	500.00 055%
19734	08/19/2013	1602.60	500.00 031%
			2500.00

APPROVED- 5 REJECTED-

FACILITY: LINCOLN COUNTY FAMILY MEDICAL

09/17/2013 THROUGH 09/17/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
19602	04/09/2013	160.00	52.08	033%
19603	06/06/2013	160.00	52.08	033%
19604	06/11/2013	160.00	52.08	033%
19605	06/21/2013	160.00	52.08	033%
19609	07/31/2013	134.55	52.08	039%
19612	06/04/2013	237.00	81.91	035%
19613	06/19/2013	160.00	52.08	033%
19616	06/03/2013	160.00	52.08	033%
19617	06/18/2013	237.00	81.91	035%
19618	06/06/2013	160.00	52.08	033%
19619	06/13/2013	52.00	17.52	034%
19620	06/20/2013	52.00	17.52	034%
19621	06/27/2013	52.00	17.52	034%
19622	05/29/2013	160.00	52.08	033%
19623	07/30/2013	134.55	52.08	039%
19625	06/06/2013	160.00	52.08	033%
19626	06/26/2013	160.00	52.08	033%
19636	08/15/2013	199.78	81.91	041%
19629	05/28/2013	160.00	52.08	033%
19630	06/20/2013	160.00	52.08	033%
19631	03/04/2013	301.00	93.83	031%
19632	05/16/2013	237.00	81.91	035%
19638	08/14/2013	199.78	81.91	041%
19641	05/29/2013	160.00	52.08	033%
19642	08/06/2013	134.55	52.08	039%
19647	06/04/2013	160.00	52.08	033%
19649	06/07/2013	160.00	52.08	033%
19654	06/18/2013	160.00	52.08	033%
19656	06/26/2013	160.00	52.08	033%
19680	06/12/2013	160.00	52.08	033%
19681	08/06/2013	199.78	81.91	041%
19719	08/16/2013	134.55	52.08	039%
19684	06/25/2013	237.00	81.91	035%
19685	08/09/2013	134.55	52.08	039%
19687	08/21/2013	134.55	52.08	039%
19589	06/12/2013	237.00	81.91	035%
19690	06/17/2013	160.00	52.08	033%
19718	08/13/2013	205.55	75.64	037%
19590	05/31/2013	205.00	65.90	032%
19721	08/19/2013	134.55	52.08	039%
19693	08/03/2013	325.00	137.91	042%
19716	08/12/2013	134.55	52.08	039%
19696	06/11/2013	160.00	52.08	033%
19701	06/05/2013	237.00	81.91	035%
19703	08/02/2013	134.55	52.08	039%
19704	06/10/2013	179.00	55.65	031%
19705	06/20/2013	160.00	52.08	033%
19720	08/16/2013	134.55	52.08	039%

2833.16

APPROVED- 48 REJECTED-

FACILITY: LINCO MEDICAL & SUPPLY, INC

09/17/2013 THROUGH 09/17/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID
19610	07/01/2013	206.79	206.79 100%
19611	08/01/2013	206.79	206.79 100%
19731	09/01/2013	207.03	207.03 100%
19730	08/31/2013	207.03	207.03 100%
19666	07/12/2013	206.79	206.79 100%
19667	08/12/2013	207.03	207.03 100%
19591	08/06/2013	177.36	177.36 100%
19732	09/06/2013	177.36	177.36 100%
			1596.18

APPROVED- 8 REJECTED-

FACILITY: LINCOLN COUNTY RADIOLOGY

09/17/2013 THROUGH 09/17/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID
19608	07/12/2013	429.00	90.26 021%
19663	06/16/2013	49.00	11.58 024%
19628	07/08/2013	387.00	113.42 029%
19633	07/12/2013	49.00	000%
PATIENT'S BILL IS BELOW \$50			
19655	06/20/2013	132.00	31.25 024%
19674	04/12/2013	132.00	31.25 024%
19624	06/04/2013	216.00	50.33 023%
			328.09

APPROVED- 6 REJECTED- 1

FACILITY: MICHAEL P CLEMENTS, M.D.

09/17/2013 THROUGH 09/17/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID
19644	07/16/2013	100.00	81.91 082%
19733	08/08/2013	100.00	81.91 082%
19653	07/08/2013	100.00	81.91 082%
19676	07/18/2013	100.00	81.91 081%
19691	06/26/2013	13.93	000%
PATIENT'S BILL IS BELOW \$50			
			327.64

APPROVED- 4 REJECTED- 1

FACILITY: NEW MEXICO ONCOLOGY HEMATOLOGY 09/17/2013 THROUGH 09/17/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
19717	08/27/2013	166.23	52.08	031%
19657	07/03/2013	65.36	17.52	027%
19699	07/24/2013	13.93		000%
PATIENT'S BILL IS BELOW \$50				
19700	08/09/2013	18.85		000%
PATIENT'S BILL IS BELOW \$50				
19724	07/10/2013	14385.43	5000.00	035%
19725	07/09/2013	191.34		000%
PATIENT HAS MET OR EXCEEDED POLICY LIMIT				
19726	07/18/2013	166.23		000%
PATIENT HAS MET OR EXCEEDED POLICY LIMIT				
			5069.60	

APPROVED- 3 REJECTED- 4

FACILITY: PRESBYTERIAN HOSPITAL 09/17/2013 THROUGH 09/17/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
19661	07/11/2013	11025.00	1000.00	009%
			1000.00	

APPROVED- 1 REJECTED-

FACILITY: UNM HEALTH SCIENCES CTR 09/17/2013 THROUGH 09/17/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
19646	04/22/2013	900.20		000%
PATIENT HAS MET OR EXCEEDED POLICY LIMIT				
19711	06/04/2013	3204.00	2467.08	077%
19723	06/18/2013	5918.85		000%
PATIENT HAS MET OR EXCEEDED POLICY LIMIT				
19722	06/25/2013	189.00	145.53	077%
			2612.61	

APPROVED- 2 REJECTED- 2

INDIGENT FUND MEETING

SEPTEMBER 17, 2013

TOTAL APPLICATIONS	147	114,134.33
TOTAL APPROVED	138	
TOTAL DENIED	9	

ALBUQUERQUE ANESTHESIA ASSOCIATES OF NM		393.00
APPROVED-	2	
DENIED-		

RUIDOSO FRONTIER MEDICAL		103.89
APPROVED-	1	
DENIED-		

ALAMOGORDO GERALD CHAMPION REGIONAL MED CTR		4,422.83
APPROVED-	4	
DENIED-		

RUIDOSO LC AMBULANCE-PRES HEALTH SVCS		2,500.00
APPROVED-	5	
DENIED-		

RUIDOSO LINCO MEDICAL & SUPPLY, INC		1,596.18
APPROVED-	8	
DENIED-		

RUIDOSO LINCOLN COUNTY FAMILY MEDICAL		2,833.16
APPROVED-	48	
DENIED-		

RUIDOSO LINCOLN COUNTY MEDICAL CENTER		92,947.33
APPROVED-	54	
DENIED-	1	

ALTO LINCOLN COUNTY RADIOLOGY		328.09
APPROVED-	6	
DENIED-	1	

RUIDOSO MICHAEL P CLEMENTS, M.D.		327.64
APPROVED-	4	
DENIED-	1	

ALBUQUERQUE NEW MEXICO ONCOLOGY HEMATOLOY		5,069.60
APPROVED-	3	
DENIED-		

ENCL 3

ALBUQUERQUE		
PRESBYTERIAN HOSPITAL		1,000.00
APPROVED-	1	
DENIED-		

ALBUQUERQUE		
UNM HEALTH SCIENCES CTR		2,612.61
APPROVED-	2	
DENIED-	2	

YTD

INDIGENT FUND MEETING

SEPTEMBER 17, 2013

TOTAL APPLICATIONS	414	386,081.36
TOTAL APPROVED	384	
TOTAL DENIED	30	

ALBUQUERQUE		
ANESTHESIA ASSOCIATES OF NM		1,140.75
APPROVED-	7	
DENIED-		

RUIDOSO		
FRONTIER MEDICAL		103.89
APPROVED-	1	
DENIED-		

ALAMOGORDO		
GERALD CHAMPION REGIONAL MED CTR		17,508.37
APPROVED-	23	
DENIED-	2	

RUIDOSO		
LC AMBULANCE-PRES HEALTH SVCS		4,947.80
APPROVED-	11	
DENIED-	2	

RUIDOSO		
LINCO MEDICAL & SUPPLY, INC		4,861.10
APPROVED-	26	
DENIED-	1	

RUIDOSO		
LINCOLN COUNTY FAMILY MEDICAL		5,506.04
APPROVED-	85	
DENIED-	3	

RUIDOSO		
LINCOLN COUNTY MEDICAL CENTER		316,942.61
APPROVED-	180	
DENIED-	4	

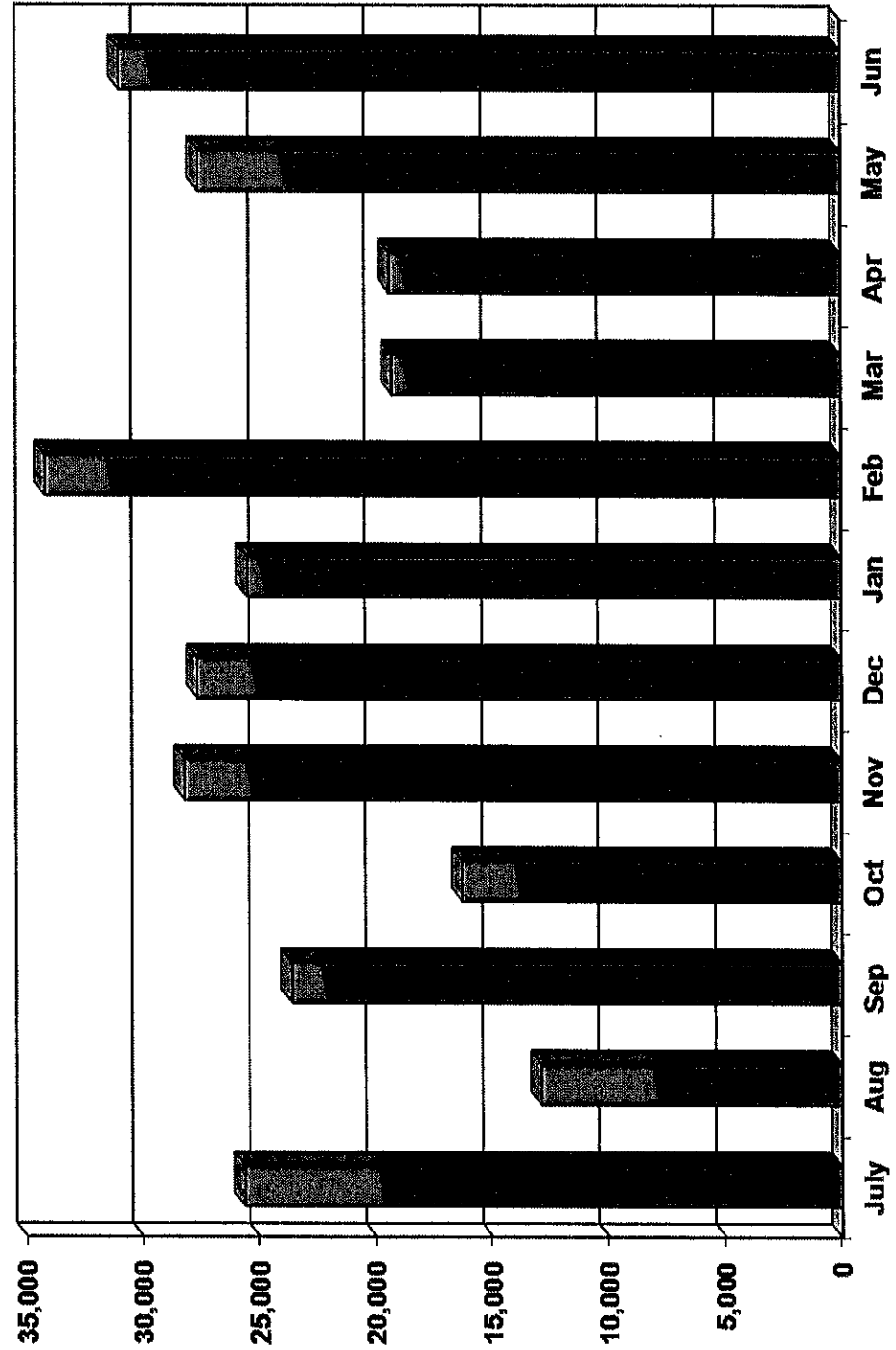
ALTO		
LINCOLN COUNTY RADIOLOGY		1,097.19
APPROVED-	17	
DENIED-	2	

RUIDOSO		
MICHAEL P CLEMENTS, M.D.		491.46
APPROVED-	6	
DENIED-	3	

PHOENIX		
NATIVE AM. AIR AMBULANCE, INC		490.00
APPROVED-	1	
DENIED-		

ALBUQUERQUE		
NEW MEXICO ONCOLOGY HEMATOLOGY		5,407.84
APPROVED-	6	
DENIED-	4	
LOS ANGELES		
PHI AIR MEDICAL		
APPROVED-		
DENIED-	1	
ALBUQUERQUE		
PRESBYTERIAN HOSPITAL		9,983.72
APPROVED-	3	
DENIED-	3	
BRENTWOOD		
ROSWELL CLINIC CORP		104.16
APPROVED-	2	
DENIED-		
RUIDOSO		
RUIDOSO HOME CARE & HOSPICE		1,237.13
APPROVED-	2	
DENIED-		
RUIDOSO		
SUBSTANCE ABUSE SERVICES OF LC		1,176.00
APPROVED-	5	
DENIED-		
RUIDOSO		
TALL PINES MEDICAL, INC		
APPROVED-		
DENIED-	2	
ALBUQUERQUE		
UNM HEALTH SCIENCES CTR		15,083.30
APPROVED-	9	
DENIED-	3	

FY 2012-2013 IHC Payments
Average Month for FY = \$ 24,261.68
Total for FY 12-13 = \$ 291,140.11
DO NOT EXCEED \$386,461



FY 2013-2014 IHC Payments

Average Month for FY = \$ 23,046

Year-to-Date Total for FY 13-14 = \$ 69,139

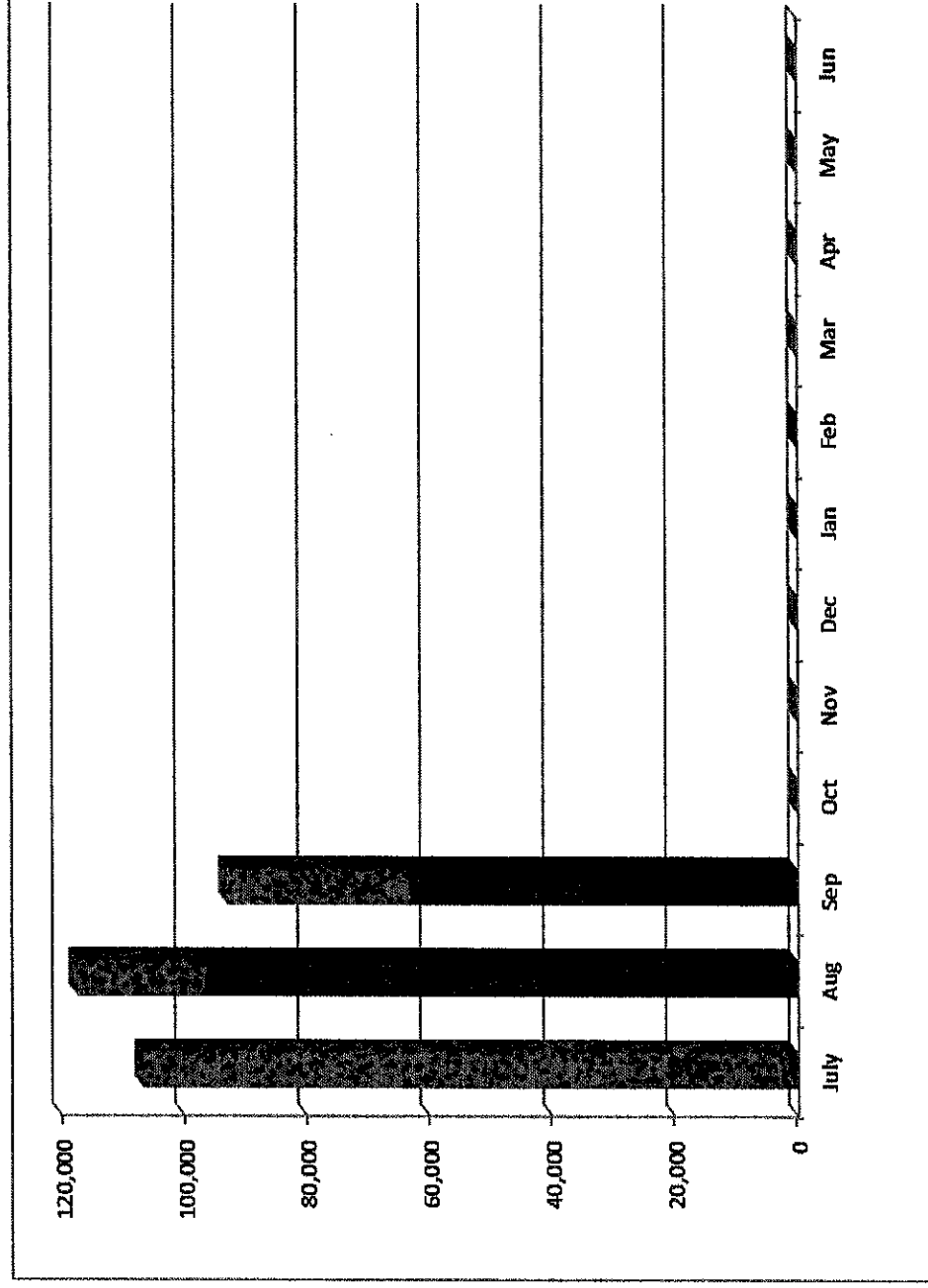
DO NOT EXCEED \$393,278



FY 2013-2014 Sole Community Claims

Average Month for FY = \$ 105,648

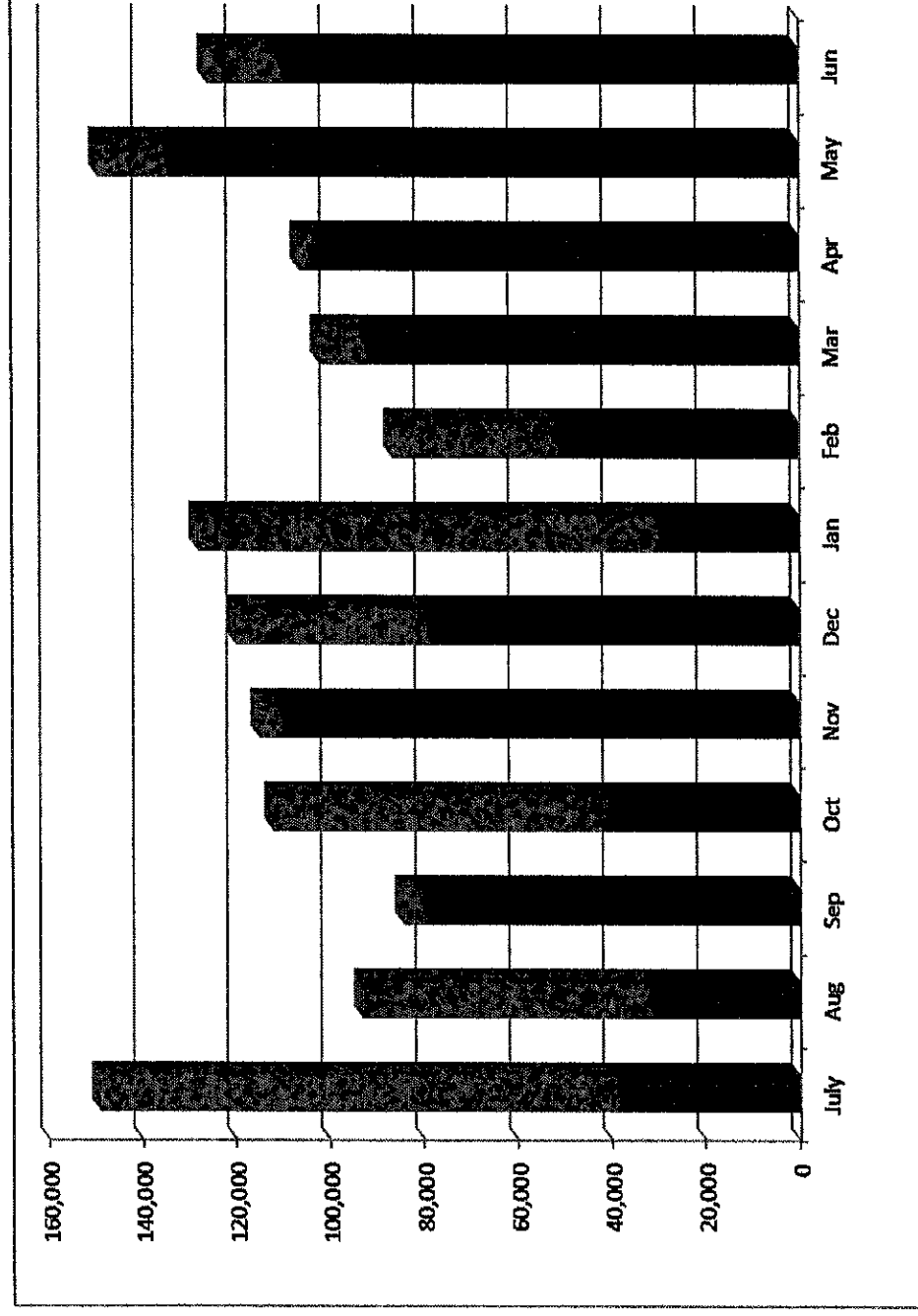
Year-To-Date Total for FY 13-14 = \$ 316,943

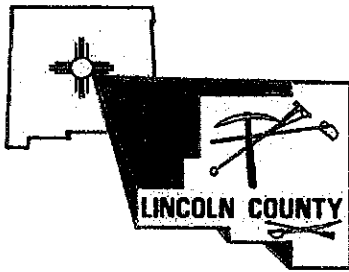


FY 2012-2013 Sole Community Claims

Average Month for FY = \$ 114,324

Total for FY 12-13 = \$ 1,371,890





www.lincolncountynm.net

September 13, 2013

County of Lincoln

P.O. Box 711 • 300 Central Ave. • Carrizozo, New Mexico 88301-0711 • (575) 648-2385
Agenda Item 17

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Manager's Report

1. **Forest Health Funding Initiatives.** Work continues to progress on a number of funding initiatives:
 - a. **NRCS EWP Process** (finalizing application)
 - b. **Finalization of FEMA - NM Homeland Security grant** (finalizing application)
 - c. **2012 Lincoln County WUI** – of the \$255,000 grant, approximately \$150,000 remains
 - d. **2014 Lincoln County WUI** (\$300,000 grant recently applied for by State Forestry for Lincoln County)
 - e. **Little Bear Forest Reform Coalition** is exploring the possibility of having a public outreach event this fall on forest health. It hosted a planning meeting to discuss possible topics, presenters and details of implementing the event. Additional details to follow.
 - f. **South Central Mountain RC&D** working on updating the Lincoln County Community Wildfire Protection Plan (CWPP). Currently the greater Ruidoso plan was written in 2004, and included only the Villages of Ruidoso and Ruidoso Downs. The Lincoln County Plan was written in 2008 and excludes the Villages. Since 2008 there have been several large fires and thousands of acres of mitigation work. It makes sense to update the plan for the County, and areas within, to ensure that the county and municipalities can remain current with planning and with competing for the fuel reduction grants. A document common to the entire County would help identify and prioritize areas for treatment. Once the update work has been complete, it will be presented to the County for approval.
2. **FY12 -13 Audit.** Representatives from the Accounting & Consulting Group, LLP, were in the County last week concluding the in-house review for the annual audit. Based on the questions asked, additional information requested and feedback at the conclusion of their visit, our early assessment is that the audit findings will be minimal. This annual review clearly indicates the strength of our Lincoln County employees who take very seriously the job of ensuring we conduct our business through proper accounting practices, developing and implementing processes that ensure we track expenditures and income in a manner that is compliant with our own county ordinances, as well as state law. We owe a huge debt of gratitude to this team that takes so seriously the job of safekeeping public funds.

3. **New Mexico Association of Counties** has announced several dates that may be of interest to the County. Paul Gutierrez, Executive Director, has announced his accepting another position.

a. Gathering of Counties at the State Fair	September 19
b. Open Meetings Act Training - Roswell	September 30
c. NMAC Open House (new location)	October 2
d. Multi-Line and Workers Comp Board Retreat (Ruidoso)	October 1 – 4
e. Grants Training – Albuquerque	November 7 - 8
f. Multi-Line Pool Board Meeting – Santa Fe	December 11

4. **LCMC Update.** Manager and Scott Annala, Indigent Health Care Administrator, met with LCMC representatives regarding the development of reporting requirements as requested by the Commission during its July final budget meeting. We will have the first reports to provide to you at the October 15th meeting, for your review and direction.

5. **Building Updates.**

- a. **LCMC Physician's Office Building (POB).** Work on the POB is expected to be complete by mid-October, enabling move-in activities shortly following. LCMC initially proposed a grand opening at that time, but has since proposed to wait until after the winter holidays and host the event in mid-January. They are seeking Commission input on the timing of the event, as well as the attendee invitation list. As promised, this project is going to complete on time (ahead of time) and on budget (below budget).
- b. **Lincoln County Courthouse/Sheriff's Expansion.** Work has commenced on the courthouse expansion. As predicted by many, it's never known what will actually be found underground until the digging begins. James Parker of JWP Master Builders will be at the Commission meeting to share some of those stories, as well as progress on the project and a summary of the utilization of local contractors. . The five-day rain event has prevented outdoor work somewhat. The total timeline commitment from start to finish is 365 days.
- c. **Ft. Stanton Fire Station.** Work has commenced on the site for the Fire Station. Because of the historic nature of Ft. Stanton, it was mandatory that the state archeologist be present during the entire dirt work effort. That part of the process is complete, with not findings of historic material. The building has been ordered and is expected to be on site in a couple of weeks. The total timeline commitment from start to finish is 182 days.
- d. **Carrizozo Senior Center.** Design work is complete on this project. The Architectural & Engineering Firm we are working with, Wilson & Company, will issue the RFP for the project, will assist in the selection process and will project-manage the construction. We are currently on hold due the formal receipt of the CDBG grant.

Agenda Item No. 18
September 17, 2013

SUBJECT

Renewal of Lease Agreement Ruidoso Downs Senior Center

**COOPERATIVE AGREEMENT AND LEASE
RUIDOSO DOWNS
SENIOR CITIZENS CENTER**

THIS AGREEMENT, entered into this ____ day of ____, 2013, by and between the **CITY OF RUIDOSO DOWNS**, a New Mexico municipal corporation, whose address is P. O. Box 348, Ruidoso Downs, New Mexico, 88346, hereinafter referred to as "City," and **THE COUNTY OF LINCOLN**, whose address is P. O. Box 711, Carrizozo, New Mexico, 88301, hereinafter referred to as "County."

1. City does hereby lease and the County does hereby take as Lessee the property commonly known as **"THE RUIDOSO DOWNS SENIOR CITIZENS' CENTER."**

2. The premises shall be used by the County for the purpose of conducting all those activities usual and necessary for the operation of a senior citizen's center, including, but not limited to, the "Meal Site Program." The County shall have complete management of the leased property, providing that it shall also continue to be made available to the general public for civic-type meetings. All public civic-type meetings shall be scheduled and approved by County and the use of said facilities shall be at a reasonable charge to the user and/or to the general public for cleaning.

City shall be responsible for insuring that the subject property is in compliance with the Americans with Disabilities Act, and shall bear all costs in connection with bringing said property into compliance with all requirements of the Americans with Disabilities Act.

The County shall comply with all Federal, State, Municipal and other laws, ordinances, rules and regulations applicable to the premises and business conducted therein by the County.

3. The term of this Lease shall be for a period of ten (10) years beginning on October 21, 2013, and ending on October 21, 2023, both dates inclusive, unless sooner terminated as provided herein. The County shall have possession and occupancy of the premises on October 21, 2013. The County shall have the option of renewing this Cooperative Agreement and Lease under the same terms and conditions as herein set forth in the original basic term, provided that the County fully and faithfully performed all the County's duties and obligations during the original basic term.

4. As consideration for the Lease, the County agrees to pay City a rental in the sum of One and No/100 Dollars (\$1.00) for the initial ten (10) year period.

5. All notices required or permitted to be given hereunder shall be considered properly given upon delivering the notice in writing to the party to be notified, or mailing the notice by registered or certified mail, return receipt requested to the party to be notified at such party's address set forth below, or such other address as the party to be notified may have designated by previous written notice to the other.

Notice may be sent to the County and City at the addresses first set forth above. The person authorized to act for City for the purpose of receiving notices and demands shall be the City Clerk at the referenced address. The person authorized to act for the County shall be the County Manager at the referenced address.

6. City shall be responsible for paying for water, sewer, and garbage service provided to the premises. In addition, the City shall provide the use of a van for transporting senior citizens. The County shall be responsible for any other utility service used in, rendered or supplied to the premises throughout the term of this Lease.

7. The County, upon payment of the rent herein reserved and upon the performance of all the terms of this Lease, shall at all times during this Lease term and during any extension or renewal term peaceably and quietly enjoy the leased property without any disturbance from City or from any other person claiming through City.

8. City reserves the right to utilize the building for City-related functions as long as said function does not interfere with normal senior Center meal operations.

9. City and its representatives may enter the leased property, at any reasonable time, for the purpose of inspecting the leased property, performing any work which City elects to undertake made necessary by reason of the County's default under the terms of this Lease, showing the leased property for sale, lease, or mortgage financing or posting notices of non-responsibility under any mechanic's lien law.

10. Upon termination or expiration of this Lease, the County shall immediately deliver possession of the premises to City. The County shall also deliver all keys to the premises to City.

11. The County shall not assign this Lease, nor sublet the premises, or any part thereof, nor use the same, or any part thereof, nor permit the same, or any part thereof, to be used for any other purposes than as above stipulated, without the prior written consent of City. Any such assignment or subletting without such consent shall be void, and shall, at the option of City, terminate this Lease.

12. The County shall be responsible for all routine repairs to the subject premises, and shall keep and maintain in good order, condition, and repair the premises and every part thereof, reasonable wear and tear excepted. In addition, the County shall be responsible for all routine repairs and maintenance on the van provided by the City.

13. During the term of this Lease, County shall carry fire and extended coverage insurance, including any improvements upon the leased premises provided by the City, in such amount as City deems necessary to protect City's interest. In addition, the County shall provide general liability insurance for the van.

14. The County shall not engage in any activity which would cause County's fire or extended coverage insurance to be canceled or the rate therefor to be increased. If at any time during the Lease term the premises are damaged by fire or other casualty, the County shall give immediate notice to City or its agent.

If the entire premises are rendered untenable by reason of fire or other cause, this Lease shall terminate.

In the event of any partial or total destruction of the premises by fire or other cause, the County may, at its option, suspend the County's service to the citizens of the City of Ruidoso Downs as a senior citizen's center until such time as repairs are completed.

City shall not be liable, under any expressed or implied covenant of this Lease, for any damages to the County beyond the loss of rent reserved by this Lease, accruing after any act or breach of covenant for which damages may be sought to be recovered against City, except of those caused by sole negligence on the part of City, its agents or employees.

15. The County shall procure and maintain throughout the term of this Lease a policy or policies of insurance, at its sole cost and expense, insuring the County against any and all claims, demands, or actions arising out of or in connection with the premises, any condition thereof, and any employee or other person entering the premises, regardless of the reason, for injury to the person or damage to the property on or about the premises. The County shall supply insurance in at least the amount of \$250,000.00 for property damage, \$500,000.00 for each person, and \$500,000.00 per incident in respect to injury of persons (including death).

16. If the County should remain in possession of the premises after the expiration of the term of this Lease without the execution by City and the County of a new lease, then the County shall be deemed to be occupying the premises as a tenant-at-sufferance, subject to all covenants and obligations of this Lease.

17. The County shall operate the City of Ruidoso Downs Senior Citizen's Center, and shall not hold themselves out as agent, employee or servant of City.

18. It is understood and agreed between the parties hereto that time is of the essence of this agreement and this applies to all terms and conditions herein.

19. The right of City under the foregoing shall be cumulative, and the failure on the part of City to exercise promptly any rights given hereunder shall not operate to forfeit any of said rights.

20. This Lease contains the entire agreement between the parties, governs over and supersedes all bid letters, correspondence, discussions, and communications between the parties and may be amended only by express written agreement signed by both parties. This Lease shall be governed by the laws of the State of New Mexico.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals on the day and year first written above.

CITY OF RUIDOSO DOWNS

By: _____
Gary Williams, Mayor

Attest:

Carol Virden
City Clerk

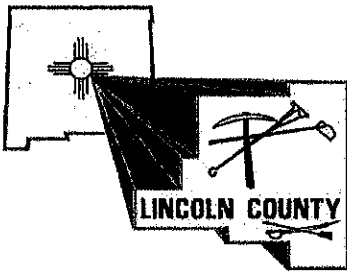
COUNTY OF LINCOLN

By: _____
Nita Taylor
Lincoln County Manager

Attest:

Rhonda Burrows
Lincoln County Clerk

countyatty/wm/agmts/ruidownsenior/10-15-03



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County of Lincoln

P.O Box 711 • 300 Central Ave. • Carrizozo, New Mexico 88301-0711 • (575) 648-2385

AGENDA ITEM NO. 19

MEMORANDUM

DATE: September 17, 2013

TO: Lincoln County Commissioners

FROM: Alan P. Morel

RE: Resolution 2010-34 (with approval, revised to 2013-14): Indigent Healthcare Claims Limits

Commissioners:

Before you are two options for the revision of Resolution 2010-34 Indigent Healthcare Claims Limits.

Please note the following changes:

1. **Lincoln County Income Schedule** has been revised to reflect both 200 percent Federal Poverty Limit (**Option A**) and the 180 percent Federal Poverty Limit (**Option B**). These figures were derived from the 2013 Federal Poverty Guidelines.
2. Under the **Indigent Health Care Claims Policy Limits** sections two new categories have been added:
 - a. Air Ambulance with a cap of \$1,000.
 - b. Physical Therapy with a cap of \$3,000.

RESOLUTION NO. 2013-14 (option A)

A RESOLUTION ADOPTING REVISIONS TO THE INDIGENT CLAIMS POLICY LIMITS PAYABLE FROM THE LINCOLN COUNTY INDIGENT HEALTHCARE FUND.

WHEREAS, the Board of County Commissioners of Lincoln County needs to decrease and impose Policy Limits as stated herein to keep the program viable; and

WHEREAS, the Board of County Commissioners finds that it is best interests of the citizens of the County of Lincoln to amend the qualifying income schedule and policy limits payable under the Lincoln County Indigent Hospital/Health Care Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the Lincoln County qualifying Income schedule, and the Indigent Hospital Claims Policy Limits schedule shall be set as follows and become effective September 17, 2013:

LINCOLN COUNTY INCOME SCHEDULE

200 Percent Federal Poverty Limits

NUMBER OF PERSONS IN HOUSEHOLD

Income	1	2	3	4	5	6	7	8
Annual	22,980	31,020	39,060	47,100	55,140	63,180	71,220	79,260
Monthly	1,915	2,585	3,255	3,925	4,595	5,265	5,935	6,605

Note: An expectant mother's unborn child will be included in determining the family or household eligibility. For Family units with more than eight (8) members, add \$2,000 for each additional person.

INDIGENT HEALTH CARE CLAIMS POLICY LIMITS

<u>POLICY LIMIT</u>	<u>MEDICAL SERVICES</u>	<u>TYPE OF CARE</u>
5,000	Hospital	General medical treatment, or acute services care. Services may be outpatient or in-patient treatment. Includes the cost of cancer treatment.

500	Ambulance	Ambulance transportation by ground to nearest facility.
1,000	Air Ambulance	Air ambulance transportation to nearest facility.
1,000	Mental and Suicidal Treatment	Medical care and treatment deemed necessary for the patient. The combination of both of these treatments shall not exceed the fiscal year limit of \$1,000.
750	Substance Abuse Treatment	This care is limited to only (one application per person per 3 fiscal years and) one in-patient Treatment. Patient treatment is, however, is unlimited as long as the sum of both in-patient and outpatient treatment does not exceed the established policy limit. Contracted Provider is limited to \$30,000 per fiscal year.
3,000	Home Health Care	Medical care and treatment as deemed necessary for the patient each fiscal year in accordance with Section 3.5(2). Evidence to verify care is required. Contracted provider is limited to \$30,000 per fiscal year.
3,000	Hospice Care	Medical care and treatment as deemed necessary for the care of the patient. Contracted provider will be limited to \$30,000 per fiscal year.
3,000	Oxygen Services	Medical care and treatment as deemed necessary for the care of the patient. Contracted provider will be limited to \$30,000 per fiscal year.

INDIGENT HEALTH CARE CLAIMS POLICY LIMITS
(continued)

<u>POLICY LIMIT</u>	<u>MEDICAL SERVICES</u>	<u>TYPE OF CARE</u>
5,000	Physicians	Reimburse for medical care and treatment, as determined by the board, to an indigent patient, at Medicaid fee-for-service rates. Contracted providers limited to \$30,000.
30,000	Sole Community Provider Policy Limit	\$30,000 per person/per fiscal year.
100,000	Lifetime Limit	Lifetime Limit on Indigent Healthcare Claims per person.
3,000	Physical Therapy	General physical therapy deemed necessary for the patient provided by a contracted provider. Patient treatment cannot exceed the established policy limit of \$3,000 per patient per fiscal year. Contracted provider will be limited to \$30,000 per fiscal year.

Services that will exceed the annual claim limit will be pro-rated for reimbursement to each medical provider that rendered the patient's treatment or care.

* Newborn charges which incur complications and will exceed the established mother's limit will be established as a separate claim.

Note: The approved limits indicated are subject to change each fiscal year based on the amount of the Indigent Fund Revenues received. The limits, if revised, will be approved by Resolution of the County Commission and shall substitute for the prior year's limits of the IHC Ordinance.

PASSED, APPROVED and ADOPTED this ____ day of ____ 2013.

**BOARD OF COMMISSIONERS OF
LINCOLN COUNTY, NEW MEXICO**

Jackie Powell, Chair-woman

Preston Stone, Vice Chairman

Kathryn Minter, Member

Dallas Draper, Member

Mark Doth, Member

Attest:

Rhonda Burrows
Lincoln County Clerk

RESOLUTION NO. 2013-14 (option B)

A RESOLUTION ADOPTING REVISIONS TO THE INDIGENT CLAIMS POLICY LIMITS PAYABLE FROM THE LINCOLN COUNTY INDIGENT HEALTHCARE FUND.

WHEREAS, the Board of County Commissioners of Lincoln County needs to decrease and impose Policy Limits as stated herein to keep the program viable; and

WHEREAS, the Board of County Commissioners finds that it is best interests of the citizens of the County of Lincoln to amend the qualifying income schedule and policy limits payable under the Lincoln County Indigent Hospital/Health Care Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the Lincoln County qualifying Income schedule, and the Indigent Hospital Claims Policy Limits schedule shall be set as follows and become effective September 17, 2013:

LINCOLN COUNTY INCOME SCHEDULE

180 Percent Federal Poverty Limits

NUMBER OF PERSONS IN HOUSEHOLD

Income	1	2	3	4	5	6	7	8
Annual	20,682	27,918	35,154	42,390	49,626	56,862	64,098	71,334
Monthly	1,724	2,327	2,930	3,533	4,136	4,739	5,342	5,945

Note: An expectant mother's unborn child will be included in determining the family or household eligibility. For Family units with more than eight (8) members, add \$2,000 for each additional person.

INDIGENT HEALTH CARE CLAIMS POLICY LIMITS

<u>POLICY LIMIT</u>	<u>MEDICAL SERVICES</u>	<u>TYPE OF CARE</u>
5,000	Hospital	General medical treatment, or acute services care. Services may be outpatient or in-patient treatment. Includes the cost of cancer treatment.

500	Ambulance	Ambulance transportation by ground to nearest facility.
1,000	Air Ambulance	Air ambulance transportation to nearest facility.
1,000	Mental and Suicidal Treatment	Medical care and treatment deemed necessary for the patient. The combination of both of these treatments shall not exceed the fiscal year limit of \$1,000.
750	Substance Abuse Treatment	This care is limited to only (one application per person per 3 fiscal years and) one in-patient Treatment. Patient treatment is, however, is unlimited as long as the sum of both in-patient and outpatient treatment does not exceed the established policy limit. Contracted Provider is limited to \$30,000 per fiscal year.
3,000	Home Health Care	Medical care and treatment as deemed necessary for the patient each fiscal year in accordance with Section 3.5(2). Evidence to verify care is required. Contracted provider is limited to \$30,000 per fiscal year.
3,000	Hospice Care	Medical care and treatment as deemed necessary for the care of the patient. Contracted provider will be limited to \$30,000 per fiscal year.
3,000	Oxygen Services	Medical care and treatment as deemed necessary for the care of the patient. Contracted provider will be limited to \$30,000 per fiscal year.

INDIGENT HEALTH CARE CLAIMS POLICY LIMITS
(continued)

<u>POLICY LIMIT</u>	<u>MEDICAL SERVICES</u>	<u>TYPE OF CARE</u>
5,000	Physicians	Reimburse for medical care and treatment, as determined by the board, to an indigent patient, at Medicaid fee-for-service rates. Contracted providers limited to \$30,000.
30,000	Sole Community Provider Policy Limit	\$30,000 per person/per fiscal year.
100,000	Lifetime Limit	Lifetime Limit on Indigent Healthcare Claims per person.
3,000	Physical Therapy	General physical therapy deemed necessary for the patient provided by a contracted provider. Patient treatment cannot exceed the established policy limit of \$3,000 per patient per fiscal year. Contracted provider will be limited to \$30,000 per fiscal year.

Services that will exceed the annual claim limit will be pro-rated for reimbursement to each medical provider that rendered the patient's treatment or care.

* Newborn charges which incur complications and will exceed the established mother's limit will be established as a separate claim.

Note: The approved limits indicated are subject to change each fiscal year based on the amount of the Indigent Fund Revenues received. The limits, if revised, will be approved by Resolution of the County Commission and shall substitute for the prior year's limits of the IHC Ordinance.

PASSED, APPROVED and ADOPTED this ____ day of ____ 2013.

**BOARD OF COMMISSIONERS OF
LINCOLN COUNTY, NEW MEXICO**

Jackie Powell, Chair-woman

Preston Stone, Vice Chairman

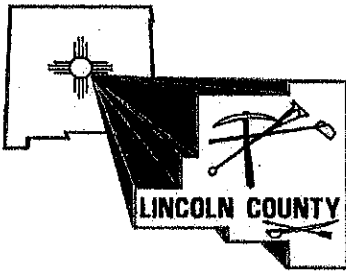
Kathryn Minter, Member

Dallas Draper, Member

Mark Doth, Member

Attest:

Rhonda Burrows
Lincoln County Clerk



www.lincolncountynm.net

County of Lincoln

P.O Box 711 • 300 Central Ave. • Carrizozo, New Mexico 88301-0711 • (575) 648-2385

Agenda Item No. 20

September 11, 2013

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Approval of Provider Contract

Purpose: To approve an Indigent Health Care provider agreement.

Discussion:

In accordance with our Indigent Health Care Ordinance 2008-3, all medical providers who wish to receive IHC funds for patient must enter into an agreement with the county (Encl. 1).

Agreement #52 with The Ruidoso Physical Therapy Clinic, Inc., grants eligibility to The Ruidoso Physical Therapy Clinic, Inc., to receive funds from the Indigent Health Care Fund (Encl. 2). Scott Annala, Indigent Healthcare Administrator will be present to answer any questions.

Recommendation: Approve agreement #52 to The Ruidoso Physical Therapy Clinic, Inc..

complete will be submitted to the IHC Board. Applications deemed incomplete will be returned with a letter of explanation to the provider. IHC applicants requesting services not related to sole community claims will be assisted by the provider and completed by the IHC administrator.

- 5.7 Disclosure by Medical Providers. Medical providers shall provide to the County reports, financial statements, random samples of paid bills or other information deemed necessary by the IHC Board or its representatives.
- 5.8 Agreement between County and Provider. All medical providers that are eligible for approval or reimbursement of IHC funds shall enter into an agreement with the County agreeing to abide by all provisions of this Ordinance prior to receiving an IHC funds. The medical provider shall submit copies of their state license and annual certification as part of this ongoing agreement. The IHC office should receive a copy of the renewed certification annually.

SECTION VI. DUTIES OF THE COUNTY -- SOLE COMMUNITY PROVIDER HOSPITAL PAYMENTS.

The County shall:

- (1) determine eligibility for benefits and determine an amount payable on each claim for services to indigent patients from sole community provider hospitals;
- (2) notify the sole community provider hospital of its decision on each request for payment while not actually reimbursing the hospital for the services that are reimbursed with federal funds under the state Medicaid program;
- (3) confirm the amount of the sole community provider hospital payments authorized for each hospital for the past fiscal year by September 30 of the current fiscal year based on a report prepared by the hospital using a format jointly prescribed by the County and hospital(s) that provides aggregate data, including the number of indigent patients served and the total cost of uncompensated care provided by the hospital;

**INDIGENT HEALTH CARE PROGRAM
MEDICAL PROVIDER
AGREEMENT NO. 52**

THIS AGREEMENT made and entered into this 17th day of SEPTEMBER, 2013, by and between Lincoln County, New Mexico, a body politically organized and existing under the duly elected "County", and **The Ruidoso Physical Therapy Clinic, Inc.**, hereinafter referred to as "Medical Provider".

WHEREAS, The County is authorized by Statute to contract for Indigent Health Care Claims services; and,

WHEREAS, The Medical Provider is the proper party to render such services,

NOW, THEREFORE, it is agreed as follows:

1. That Medical Provider agrees to abide by all provisions set forth in the Lincoln County Ordinance No. 2008-03, adopted June 24, 2008, by authority of Section 27-5-1 NMSA 1978.
2. That medical provider agrees to submit copies of appropriate State License and Certification, and any other information deemed necessary by the Board;
3. That the term of this agreement shall commence on the date above written and shall remain in force until terminated by either party giving the other at least thirty (30) days written notice prior to termination.
4. That Medical Provider is an independent contractor and is not an agency, employee or representative of the County;
5. Failure to abide by all provisions listed in the Lincoln County Ordinance shall result in termination of the Agreement.
6. By acceptance of this Agreement, the above named Medical Provider is granted eligibility by the County to receive funds from the Indigent Health Care Fund.

ENCL 2

IHC MEDICAL PROVIDER AGREEMENT
PAGE TWO

IN WITNESS WHEREOF, the parties hereto have executed the Agreement on the 17th
day of SEPTEMBER, 2013.

BOARD OF COUNTY COMMISSIONERS:

JACKIE POWELL, CHAIR

PRESTON STONE, VICE CHAIR

KATHRYN MINTER, MEMBER

MARK DOTH, MEMBER

DALLAS DRAPER, MEMBER

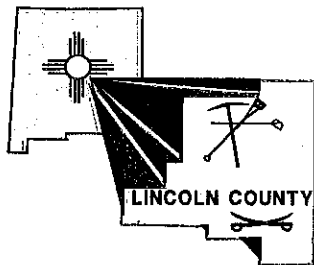
ATTEST:

RHONDA BURROWS,
County Clerk

MEDICAL PROVIDER:

I hereby attest that I have the authority to sign on behalf of the
medical provider named in this agreement.

Executive Officer



County of Lincoln

P.O.Box 711 • 300 Central Ave. • Carrizozo, New Mexico 88301-0711 • (505) 648-2385

LINCOLN COUNTY INDIGENT HEALTH CARE PROVIDER APPLICATION

Please Print

Name of Practice: Ruidoso Physical Therapy Clinic, Inc
Mailing Address: 439 MEHEM DR Ruidoso, NM 88345-6813
Physical Address: 439 MEHEM DR Ruidoso, NM
Telephone Number: 575-257-1800
Email Address: LYDIA@RUIDOSOPT.COM

Type of Practice: Group ☒ Individual ☐
Tax Id Number: 202064133
CRS ID # 03-033971-00-5
Contact Person: PAT GUILLOT

List all Physicians and/or Health Care Professionals who bill under this practice name and Tax Id:

LYDIA RADOSEVICH
TANYA BARLOW
ESEKIAL (ZEKE) MORALES

This is a formal request to be added as a medical provider and be eligible for reimbursement through the Lincoln County Indigent Health Care Fund.
Copies of all State Licensure have been included with this application.

Applicant Signature: [Signature] Date: 08-14-2013

State of New Mexico

REGULATION AND LICENSING DEPARTMENT
NEW MEXICO PHYSICAL THERAPY BOARD

P. O. Box 25101, Santa Fe, NM 87504-5101 (505) 476-4880



This is to certify that

Tanya Lynn Barlow

License No: **3138**

having complied with the provisions of the Physical Therapy Act is
hereby granted a license to practice in the State of New Mexico as a
Physical Therapist

Issue Date: **03/10/2005**

Date Expires: **02/01/2014**

THIS LICENSE MUST BE CONSPICUOUSLY POSTED IN PLACE OF BUSINESS

State of New Mexico

REGULATION AND LICENSING DEPARTMENT
NEW MEXICO PHYSICAL THERAPY BOARD

P. O. Box 25101, Santa Fe, NM 87504-5101 (505) 476-4880



This is to certify that

Lydia C. Radosevich

License No: **1781**

having complied with the provisions of the Physical Therapy Act is
hereby granted a license to practice in the State of New Mexico as a
Physical Therapist

Issue Date: **09/15/1995**

Date Expires: **02/01/2015**

THIS LICENSE MUST BE CONSPICUOUSLY POSTED IN PLACE OF BUSINESS

State of New Mexico

REGULATION AND LICENSING DEPARTMENT
NEW MEXICO PHYSICAL THERAPY BOARD

P. O. Box 25101, Santa Fe, NM 87504-5101 (505) 476-4880



This is to certify that

Zeke Morales

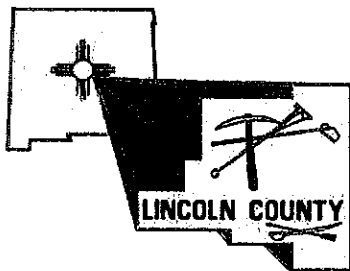
License No. **2483**

having complied with the provisions of the Physical Therapy Act is
hereby granted a license to practice in the State of New Mexico as a
Physical Therapist

Issue Date: **12/07/1999**

Date Expires: **02/01/2015**

THIS LICENSE MUST BE CONSPICUOUSLY POSTED IN PLACE OF BUSINESS



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County of Lincoln

P.O Box 711 • 300 Central Ave. • Carrizozo, New Mexico 88301-0711 • (575) 648-2385

AGENDA ITEM No. 21

September 13, 2013

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Water Issues/Forest/Wildlife Health Programs/LANRAC

PURPOSE: To provide information and discussion of water right notices, forest health, Game and Fish.

Discussion:

1. **Water Rights Notice:** On July 17, 2013, FNF Construction, Inc., filed application T-5977 with the State Engineer for permit to TEMPORARILY appropriate Underground Water within the Tularosa Underground Water Basin in Lincoln County. Applicant proposes using existing well for a temporary appropriation of groundwater not to exceed 10 acre-feed per annum to be diverted for road construction on Highway 54. Time period not to exceed one year. See Enclosure 1.
2. **Cibola National Forest Plan Revision.** The Cibola National Forest ("Cibola") is one of eight national forests selected to be the first to implement the 2012 planning rule, and will be revising its 1985 Forest Plan for its mountain districts. Cibola has released a tentative Plan Revision schedule as follows:
 - a. **Fall 2012** – Informal Notice of the Beginning of the assessment Phase;
 - b. **Summer 2013** – Availability of the assessment Report for Public review (not yet available);
 - c. **Fall 2013** – Notice of Intent to begin Plan revision and to prepare and Environmental Impact statement (EIS);
 - d. **Fall 2014** – Notice of availability of Proposed Plan and Draft EIS;
 - e. **Fall 2015** - Notice of Objection Period Prior to Approval of the Preferred Alternative and Final EIS;
 - f. **Summer 2016** – Notice of Plan Approval and Final EIS.Manager notified LANRAC members that the Commission may formally assign oversight of this initiative to LANRAC.

3. **MOU with U.S. Fish & Wildlife Services (USFWS) and Other Arizona and New Mexico Counties to enter into Cooperating Agency Status for the development of the Mexican Wolf EIS.** At its September 9, 2013 Special Meeting, the Commission considered entering into an MOU with the U.S. Department of Fish & Wildlife Services, and other counties, for the purpose of obtaining Cooperating Agency Status. The benefit of this status is to have the ability to be more directly involved, and have access to information prior to information becoming public. The Commission was presented with the following three options:
- a. The Commission can opt to sign *this* MOU (See Enclosure 2)
 - b. The Commission can opt not to sign *any* MOU. (maintain stakeholder status)
 - c. The Commission can opt to sign different MOU with proposed additional changes. (In the interim, the County would continue to be engaged as a stakeholder in the development of the EIS while the USFWS attempts to incorporate suggested changes).

The Commission directed Manager to send letter to USFWS confirming that the County would be entering into an MOU, but would determine at its September 17th meeting the direction it opts to take. See Enclosure 3. The USFWS has provided a breakdown of the three related items that are out for review and comment:

- a. The preliminary draft Chapters 1 & 2 of the EIS. Comment period ends September 19, 2013;
- b. The "Proposed Revision to the Nonessential Experimental Population of the Mexican Wolf." Comment period has been extended to October 28, 2013. **Public Hearing in Albuquerque on October 4, 2013.** (6 p.m. – 9 p.m., Embassy Suites)
- c. The Proposed Rule "Removing the Gray Wolf from the List of Endangered and Threatened Wildlife and Maintaining Protections for the Mexican Wolf by Listing it as Endangered". **Public Hearing in Albuquerque on October 4, 2013.** (6 p.m. – 9 p.m., Embassy Suites)

Manager has been unable to obtain the specifics of the Catron/Luna/Hidalgo Counties proposed modifications to the MOU, and will provide once received.

The Commission also elected to send a stakeholder letter to the USFWS requesting a number of actions be taken by USFWS, as well as a timely, substantive response to the letter. See Enclosure 4.

RECOMMENDATION: Opt to enter into the MOU with USFWS to enable Lincoln County to obtain Cooperating Agency Status.

County: Lincoln
Name: FNF Construction, Inc.
File No(s): T-5977

NOTICE is hereby given that on July 17, 2013, FNF Construction, Inc., 115 S. 48th Street, Tempe, AZ 85281, filed application T-5977 with the STATE ENGINEER for Permit to TEMPORARILY Appropriate Underground Water within the Tularosa Underground Water Basin in Lincoln County. Applicant proposes using existing well T-2966 located in the NW ¼ SW ¼ SW ¼ of Section 12, Township 10 South, Range 8 East, NMPM located on land owned by Kenneth Owens, for a temporary appropriation of groundwater not to exceed 10 acre-feet per annum to be diverted for road construction purposes on Highway 54, between mileposts 94 and 107, north of Tularosa, NM for a period of time not to exceed one year.

Any person, firm or corporation or other entity having standing to file objections or protests shall do so in writing (objection must be legible, signed, and include the writer's complete name, phone number and mailing address). The objection to the approval of the application must be based on: (1) Impairment; if impairment, you must specifically identify your water rights and/or (2) Public Welfare/Conservation of Water; if public welfare or conservation of water within the state of New Mexico, you must show how you will be substantially and specifically affected. The written protest must be filed, in triplicate, with the State Engineer, 1680 Hickory Loop, Suite J, Las Cruces, NM 88005-6598 within ten (10) days after the date of the last publication of this Notice. Facsimiles (faxes) will be accepted as a valid protest as long as the hard copy is hand-delivered or mailed and postmarked within 24-hours of the facsimile. Mailing postmark will be used to validate the 24-hour period. Protests can be faxed to the Office of the State Engineer, (575) 524-6160. If no valid protest or objection is filed, the State Engineer will evaluate the application in accordance with the provisions of Chapter 72 NMSA 1978.

ENCL 1

**Memorandum of Understanding
Between the
U.S. Fish and Wildlife Service,
And the
Arizona Counties of Apache, Cochise, Coconino, Gila, Mohave, and Santa Cruz
And the
New Mexico Counties of Catron, Cibola, Grant, Hidalgo, Lincoln, Los Alamos, Luna,
McKinley, Mora, San Juan, San Miguel, Santa Fe, Sierra, and Valencia**

SECTION I. PARTIES

This Memorandum of Understanding (hereinafter referred to as MOU) establishes a cooperating agency relationship and a coordinating process and is made and entered into by and between the:

A. U.S. Fish and Wildlife Service Region 2 (Service), as authorized and directed under the NEPA implementing regulations of 1977, as amended, and specifically acknowledging the following areas of the regulations, which are of mutual interest to the parties 40 CFR 1506.2, 40 CFR 1508.5, 40 CFR 1501.7, 40 CFR 1501.2, 40 CFR 1508.27, 40 CFR 1502.16, and 516 DM; and

B. Apache County, Cochise County, Coconino County, Gila County, Mohave County, and Santa Cruz County, as authorized under the State of Arizona, enabling counties to protect the health, safety, and welfare of its citizens, pursuant to Arizona Revised Statutes 11-802 and 11-933, as well as County laws, including County land use plans, water and watershed plans, and environmental and natural resource laws and policies; and

C. Catron County Board of Commissioners, Cibola County, Grant County, Hidalgo County, Lincoln County, Los Alamos County, Luna County, McKinley County, Mora County, San Juan County, San Miguel County, Santa Fe County, Sierra Count, and Valencia County, as authorized under the State of New Mexico, granting powers necessary and proper to provide the safety, preserve the health, promote the prosperity, and improve the morals, orders, comfort, and convenience of any County or its inhabitants, pursuant to New Mexico Revised Statute 4-7-31 (NMSA 1978), as well as County laws, including County land use plans, water and watershed plans, and environmental and natural resource laws and policies.

D. Hereinafter referred to as the Parties.

SECTION II. STATEMENT OF PURPOSE

The purpose of this MOU is for the signatory entities to contribute to the preparation of an Environmental Impact Statement (EIS), pursuant to the National Environmental Policy Act (NEPA). The proposed rule to revise the 1998 Mexican wolf nonessential experimental population rule (63 FR 1752) (1998 Final Rule) will be the proposed action of our EIS. We will analyze the environmental consequences from implementation of the proposed action and alternatives. The EIS will analyze proposed revisions to the Mexican Wolf Experimental Population Area (MWEPA) and Blue Range Wolf Recovery Area (BRWRA), and to some

aspects of currently authorized regulations for management of the experimental population of Mexican wolves in Arizona and New Mexico. The new rule may replace and supersede the 1998 Final Rule, pursuant to section 10(j) of the Endangered Species Act (Act). The EIS will also analyze alternatives that include implementing a management plan to authorize take of endangered Mexican wolves in areas of Arizona and New Mexico external to the MWEPA. The management plan would be implemented through a U.S. Fish and Wildlife Service (Service) permit.

Furthermore, for the purposes of the production of an EIS that will analyze a range of alternatives, this MOU:

A. Confirms the formal designation of the Service as the Lead Federal Agency with responsibility for completion of the EIS and Record of Decision (ROD). The Lead Federal Agency shall:

- i. Request the participation of each Cooperating Agency in the NEPA process at the earliest possible time; and
- ii. Use the environmental analysis and proposals of Parties with jurisdiction by law and/or special expertise, to the maximum extent possible consistent with its responsibility as Lead Federal Agency; and
- iii. Meet, either in person or teleconferencing, with a Cooperating Agency at the latter's request; and
- iv. Request that the counties designate one or more representative(s) to participate on the Interagency Planning Team.

B. Formally designates the Parties as Cooperating Agencies. It is recognized that Cooperating Agencies have legal authority and/or special expertise applicable to the planning process. Each Cooperating Agency shall:

- i. Participate in the NEPA process at the earliest possible time; and
- ii. Participate in the scoping process; and
- iii. Assume on request of the Lead Federal Agency responsibility for developing information and preparing environmental analyses including portions of the environmental impact statement concerning which the cooperating agency has special expertise; and
- iv. Normally use its own funds. The Lead Federal Agency shall, to the extent available funds permit, fund those major activities or analyses it requests from Cooperating Agencies. The Lead Federal Agency shall include such funding requirements in their budget requests; and

- v. A Cooperating Agency may, in response to a Lead Federal Agency's request for assistance in preparing the environmental impact statement, reply that other program commitments preclude any involvement or the degree of involvement requested in the action that is the subject of the environmental impact statement; and
- vi. Make available staff and/or consultant support, as approved by the individual County, at the Lead Federal Agency's request to enhance the latter's interdisciplinary capability; and
- vii. Designate representative(s) and agree to select individual(s) to represent the County on the Interagency Planning Team.

C. Formalizes and provides a framework for cooperation and coordination among the Parties that will ensure successful completion of the EIS in a timely, efficient, and thorough manner; and

E. Ensures the working relationship between the Parties meets the purposes and intent of NEPA; and

F. Provides a structural framework for coordination of the NEPA processes.

SECTION III. BACKGROUND

A. The Service proposes to revise the 1998 Final Rule and to implement a management plan for areas outside of the MWEPA. The EIS will analyze proposed revisions to: (1) the MWEPA and BRWRA, (2) some aspects of currently authorized regulations for management of the experimental population of Mexican wolves in Arizona and New Mexico, and (3) implement a management plan for Mexican wolves that are not part of the experimental population. A Notice of Intent to Prepare an EIS was published on August 5, 2013 (FR 47268, August 5, 2013). The EIS will analyze options for revising the 1998 Rule (including no action) and implementing a management plan, and includes various geographic and management scenarios. The proposed 10(j) rule was published on June 13, 2013. A draft EIS will be published, followed by a final EIS, ROD, and final 10(j) Rule (provided that the ROD does not select the No Action Alternative).

B. The Parties seek to fully consider the impacts of proposed actions on the physical, biological, social and economic aspects of the human environment, and;

C. The Parties desire to enter into this MOU and have the authority, through the Director, Region 2, U.S. Fish and Wildlife Service and the County Supervisors and Commissioners, to do so, and;

D. This MOU shall not be construed to affect the jurisdiction of Federal, State, County or other local governmental agencies which exists as a matter of law, and;

E. Arizona and New Mexico Counties are legally responsible for the protection of health, safety, and welfare of individuals and communities that may be affected by reintroduction and recovery of the Mexican wolf;

F. Arizona Counties have determined that participation in the Proposed Amendment of Mexican Wolf 10(j) rule EIS should be consistent with the Counties' policies for the protection of the health, safety, and welfare of their citizens, and is important to representing the Counties' interest in, and authority for, management of natural resources within the boundaries of the Counties.

G. New Mexico Counties have determined that participation in the Proposed Amendment of Mexican Wolf 10(j) rule EIS should be consistent with the Counties' policies for the protection of the health, safety, and welfare of their citizens, and is important to representing the Counties' interest in, and authority for, management of natural resources within the boundaries of the Counties.

H. In the interest of enhancing communication, Black's Law Dictionary (7th Edition; ISBN 0314241302) and Merriam-Webster's Collegiate Dictionary (11th Edition; ISBN 0877798095) shall be the primary references for words used in this MOU;

SECTION IV. RECITALS

NOW THEREFORE, the Parties hereto agree to cooperatively develop appropriate documentation in order to satisfy the requirements of NEPA, and further agree that;

A. The Service will:

- i. serve as the Lead Federal Agency in coordinating the development of an EIS analyzing the environmental impacts of a proposed new designation of a MWEPA and of implementation of a management plan external to the MWEPA, and alternatives thereto; and
- ii. provide guidance as to proper process, document format, and information required to satisfy NEPA requirements; and
- iii. determine the purpose and need of the project, the conclusions of the environmental analysis, which alternatives are selected for analysis, and make final determinations on content relative to applicable statutory and regulatory requirements; and
- iv. develop the EIS, consistent with Federal law, regulation and Department and Agency policy and will incorporate, to the maximum extent possible consistent with its responsibility as Lead Federal Agency, the comments, recommendations, and/or data submitted by Parties in the EIS planning process; and

- v. provide available information and resources for development of the EIS; and
- vi. provide timely review of the EIS in order to ensure compliance with Service guidelines for NEPA implementation; and
- vii. give, to the maximum extent possible, a reasonable time frame for review and return of consolidated and comprehensive comments; and

B. The Counties are recognized to have jurisdiction by law and special expertise and will:

- i. provide available information, data (and supporting analyses), comments, and resources for development of proper NEPA documentation and the EIS; and
- ii. provide timely review of the EIS in order to ensure compliance with Service guidelines for NEPA implementation; and
- iii. help collect data to the maximum extent possible, participate in discussions about data assessment and technical reports, prepare selected sections, and provide technical expertise in order to assist in evaluating the effectiveness of all alternatives and the EIS; and
- iv. receive working drafts of the EIS and its alternatives and analyses for review and comment in relation to areas of jurisdictional responsibility and/or special expertise; and
- v. return consolidated and comprehensive comments on working drafts to the Service in an agreed upon time frame consistent with the planning schedule; and
- vi. may meet with affected stakeholders and provide comments to the Service at any point in the development of the EIS, provided that internal draft documents are not disseminated (see **Document Control** section below).

C. Conflict Resolution. Conflicts between or among the Parties concerning this MOU that cannot be resolved at the lowest possible level shall be referred to the next higher level, et seq., as necessary, for resolution with full recognition of the Service's decision making responsibilities in the EIS process.

Legal Effect of MOU: The provisions of any statutes and/or regulations cited in this MOU contain legally binding requirements. The MOU itself does not alter, expand, or substitute for those provisions or regulations, nor is it a regulation itself. Thus, it does not impose legally-binding requirements on the Parties. Furthermore, this MOU does not create a right of action enforceable in a court of law for any of the Parties. Rather, this MOU contains procedural guidance to assist the Parties in carrying out existing legal requirements. No Party shall be liable in damages to any other Party or other person for any breach of this agreement, any performance or failure to perform a mandatory or discretionary obligation imposed by this agreement or any other cause of action arising from this agreement.

Document Control: All internal working draft documents for the development of any National Environmental Policy Act (NEPA) documents are pre-decisional and the Parties will ensure that these documents will not be available for review by individuals or entities other than the Parties to this MOU, or the Parties consultants, unless otherwise required by applicable law. All documents created, collected, or provided by the Parties in support of the development of NEPA documents are part of the official Service administrative record and may only be released by the Service to the extent allowable by the Freedom of Information Act and/or Privacy Act. The Counties will identify to the Service all personnel and consultants representing the County who will have access to the documents for the county and provide signed statements with regards to document control.

Enforcement Authority of the United States. Nothing contained in this MOU is intended to limit the authority of the United States government to seek civil or criminal penalties or otherwise fulfill its enforcement responsibilities under the ESA or other applicable law.

No partnership. This MOU shall not make or be deemed to make any Party to this agreement the agent for or the partner of any other Party.

Notices. All notices, demands, or requests from one Party to another may be personally delivered, sent by facsimile/email, sent by recognized overnight delivery service, or sent by mail, certified or registered, postage prepaid, to the persons set forth below and addressed as follows or at such other address as any Party may from time to time specify to the other Parties in writing and shall be effective at the time of personal delivery, facsimile/email transmission, or mailing upon notification of delivery by a recognized overnight delivery service or the United States Postal Service.

Elected officials not to benefit. No member of or delegate to Congress or a staff member to a member or delegate to Congress shall be entitled to any share or part of this MOU, or to any benefit that may arise from it.

Availability of funds. Implementation of this MOU by the Service is subject to the requirements of the Anti-Deficiency Act and the availability of appropriated funds. Nothing in this MOU will be construed by the Parties to require the obligation, appropriation, or expenditure of any money from the U.S. Treasury. The Parties acknowledge that the Service will not be required under this agreement to expend any appropriated funds unless and until an authorized official of that agency affirmatively acts to commit to such expenditures as evidenced in writing.

Duplicate originals. This MOU may be executed in any number of duplicate originals. A complete original of this MOU shall be maintained in the official records of each of the Parties hereto.

No third-party beneficiaries. Without limiting the applicability of rights granted to the public pursuant to the ESA or other Federal law, this MOU shall not create any right or interest in the public, or any member thereof, as a third-party beneficiary hereof, nor shall it authorize anyone not a Party to this MOU maintain a suit for personal injuries or damages pursuant to the provision of this MOU. The duties, obligations, and responsibilities of the Parties to this MOU with respect to third parties shall remain as imposed under existing law.

Amendment. This MOU may be amended upon written agreement of all Parties. The Party proposing the amendment shall provide a statement of the reasons for the amendment and an analysis of its environmental effects.

Termination. Any Party may terminate its participation in this MOU at any time. Any termination shall be made in writing. If not terminated sooner, this MOU will end upon agreement of all Parties once the EIS is final and the Service issues the ROD. Agencies may submit requests to be signatories to the June 30, 2010 MOU for Mexican Wolf Reintroduction within the AZ-NM Experimental Population Area for full participation and involvement in the Mexican wolf reintroduction project.

See http://www.fws.gov/southwest/es/mexicanwolf/pdf/MW_MOU.pdf for the current MOU.

Principal Contacts. The principal contacts for this MOU are:

- i. United States Fish and Wildlife Service
Attn: Sherry Barrett
New Mexico Ecological Services Field Office
2105 Osuna NE
Albuquerque, New Mexico 87113
Phone: 505-761-4748
- ii. Apache County, Arizona
Attn: Doyel Shamley
Apache County Natural Resources Coordinator
P.O. Box 940
Eager, Arizona 85925
Phone: 928-333-5999
- iii. Catron County Board of Commissioners, New Mexico
Attn: Dr. Alex Thal
Catron County Natural Resources Coordinator

P.O. Box 2296
Silver City, New Mexico 88062
Phone: 575-388-7987

iv. Cibola County, New Mexico
Attn: Rheganne Vaughn
Chief Operations Officer/Assistant County Manager
515 W. High Street
Grants, New Mexico 87020
Phone: 505-287-9431

v. Cochise County, Arizona
Attn: James E. Vlahovich,
Deputy County Administrator
1415 Melody Lane, Building G
Bisbee, Arizona 85630
Phone: 520-559-3664

vi. Coconino County, Arizona
Attn: Cynthia Seelhammer
County Manager
219 Cherry Avenue
Flagstaff, Arizona 86001
Phone: 928-679-7130

vii. Gila County, Arizona
Attn: Ms. Jacque Griffin
Assistant County Manager
1400 E. Ash Street
Globe, Arizona 85501
Phone: 928-402-8770

viii. Grant County, New Mexico
Attn: Jon Paul Saari
County Manager
PO Box 898
Silver City, New Mexico 88062
575-574-0008

ix. Hidalgo County, New Mexico
Attn: Darr Shannon

Chairman, Hidalgo County Commission
300 Shakespeare Street
Lordsburg, New Mexico 88045
Phone: 575-542-9341

x.Lincoln County, New Mexico
Attn: Nita Taylor
County Manager
PO Box 711
Carrizozo, New Mexico 88301
Phone: 575-648-2385 ext. 101

xi.Los Alamos County, New Mexico
Attn: Harry Burgess
County Administrator
1000 Central Avenue, Suite 320
Los Alamos, New Mexico 87544
Phone: 505-663-1750

xii.Luna County, New Mexico
Attn: Charles "Tink" Jackson
Chair, Wolf Advisory Committee
P.O. Box 844
Deming, New Mexico 88031
Phone: 575-546-2851

xiii.McKinley County, New Mexico
Attn: Mr. Douglas W. Decker
McKinley County Attorney
P.O. Box 70
Gallup, New Mexico
Phone: 505-722-3868

xiv.Mora County, New Mexico
Attn: Rebecca Montoya
County Manager
PO Box 580
Mora, New Mexico 87732-0580
Phone: 575-387-5279

xv.Mohave County, Arizona

Attn: Karl Taylor
Planning Manager
700 West Beale Street
Kingman, Arizona 86402
Phone: 928-757-0903 ext. 5823

xvi. San Juan, New Mexico
Attn: Joanne Thomas
Administrative Assistant/Executive Office
1000 S. Oliver Drive
Aztec, New Mexico 87410
Phone: 505-334-4271

xvii. San Miguel County, New Mexico
Attn: Alex Tafoya
Planning and Zoning Supervisor
500 W. National Ave., Suite 203
Las Vegas, New Mexico 87701
Phone: 505-425-7805

xviii. Santa Cruz County, Arizona
Attn: Carlos Rivera
County Manager
2150 North Congress Drive
Nogales, Arizona 85621
Phone: 520-375-7812

xix. Santa Fe, New Mexico
Attn: Ambra Garcia
Executive Assistant
102 Grant Avenue
Santa Fe, New Mexico 87504
Phone: 505-986-6200

xx. Sierra County, New Mexico
Attn: Mark Huntzinger
County Manager
855 Van Patten
Truth or Consequences, New Mexico 87901
Phone: 575-894-6215

MOU Between Arizona & New Mexico Counties and the U.S. Fish and Wildlife Service
Re: EIS development (09-03-13)

Page 11 of 14

xxi. Valencia County, New Mexico
Attn: Yvette Tabor
Administrative Assistant, County Managers Office
PO Box 1119
Los Lunas, New Mexico 87031
Phone: 505-866-2014

Initiation. This MOU becomes effective upon written concurrence by the referenced signatory Parties below.

IN WITNESS WHEREOF:

The Parties hereto have executed the MOU as of the dates shown below.

Tom M. White, JR, Chairman
Apache County Board of Supervisors, Arizona

Date

Glyn Griffin, Chairman
Catron County Board of Commissioners, New Mexico

Date

Edward Michael, Chairman,
Cibola County Board of Commissioners, Arizona

Date

Ann English, Chair,
Cochise County Board of Supervisors, Arizona

Date

Liz Archuleta, Chair,
Coconino County Board of Supervisors, Arizona

Date

Michael A. Pastor, Chair,
Gila County Board of Supervisors, Arizona

Date

Brett Kasten, Chairman,
Grant County Board of Commissioners, New Mexico

Date

Darr Shannon, Chair,
Hidalgo County Board of Commissioners, New Mexico

Date

Jackie Powell, Chairwoman,
Lincoln County Board of Commissioners, New Mexico

Date

Geoff Rodgers, Council Chair,
Los Alamos County Council Members, New Mexico

Date

Javier Diaz, Chairman,
Luna County Board of Commissioners, New Mexico

Date

Genevieve Jackson, Chair,
McKinley County Board of Commissioners, New Mexico

Date

John P. Olivas, Chairman,
Mora County Board of Commissioners, New Mexico

Date

Gary Watson, Chairman,
Mohave County Board of Supervisors, Arizona

Date

Scott Eckstein, Chairman,
San Juan County Board of Commissioners, New Mexico

Date

Nicolas T. Leger, Chairman,
San Miguel County Board of Commissioners, New Mexico

Date

Manuel Ruiz, Chairman,

Date

MOU Between Arizona & New Mexico Counties and the U.S. Fish and Wildlife Service
Re: EIS development (09-03-13)

Page 14 of 14

Santa Cruz County Board of Supervisors, Arizona

Kathy Holian, Chair,
Santa Fe County Board of Commissioners, New Mexico

Date

Walter Armijo, Chairman,
Sierra County Board of Commissioners, New Mexico

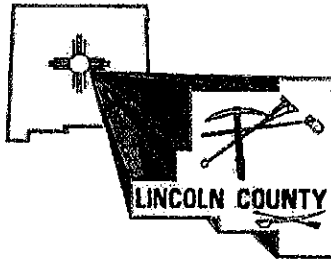
Date

Charles Eaton, Chair,
Valencia County Board of Commissioners, New Mexico

Date

Benjamin N. Tuggle, Director, Region 2
U.S. Fish and Wildlife Service

Date



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County of Lincoln

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September 11, 2013

Mr. Jonathan Olson
Environmental Planning Consultant
Mexican Wolf Recovery Program
U.S. Fish and Wildlife service
New Mexico Ecological Services Field Office
2105 Osuna Blvd NE
Albuquerque, NM 87113

RE: Lincoln County Consideration of Entering Into MOU with USFWS and Other Counties that Establishes a Cooperating Agency Relationship and a Coordinating Process for the Preparation of an EIS Revising the 1998 Mexican Wolf Nonessential Experimental Population Rule.

Dear Olson,

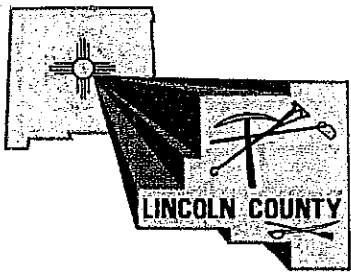
Per our telephone conversation yesterday, the Board of Lincoln County Commissioners is interested in entering into some form of MOU with USFWS regarding the above-mentioned matter. Of concern was the degree to which specifics of the MOU could be amended once the Commission entered into it. Of particular interest to them was their knowledge that the counties of Luna, Hidalgo and Catron are considering proposing modifications to the MOU. As directed, I am researching that for them.

The Commission is considering this MOU again at its September 17th meeting. I'll keep you informed as to the status. Regarding naming a technical POC, for the meanwhile, I'll be your contact.

Thank you,

Nita Taylor
Lincoln County Manager
PO Box 711, Carrizozo, NM 88301
Cell: 575.808.1379
Office - 575.648.2385 Ext 101

ENCL 3



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County of Lincoln

Handwritten:
Mailed
Original
9/9/13

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September 9, 2013

The Honorable Daniel Ashe
Director
U.S. Fish and Wildlife Service
1849 C Street, NW
Washington, DC 20240-0001

Subject: Lincoln County NM concerns about pending USFWS proposals to delist gray wolves, relist the Mexican wolf, revise the rule establishing the Mexican wolf in Arizona-New Mexico as a nonessential experimental population and to draft an Environmental Impact Statement on the proposed revision to the Mexican wolf nonessential experimental population rule

Dear Director Ashe:

The County Commission of Lincoln County, New Mexico, is concerned about the Mexican wolf recovery efforts and we write to you today with great concern about U.S. Fish and Wildlife Service (Service) proposals regarding gray wolves. These Service proposals include delisting gray wolves and redefining Service efforts to: (1) recover the Mexican wolf through relisting; (2) modify its current legal status and approach to Mexican wolf reintroduction in the Southwest; and (3) comply with the National Environmental Policy Act (NEPA) and with the Endangered Species Act (ESA). These actions are addressed by the following:

1. Proposal to delist the gray wolf and relist the Mexican wolf. Comment period opened June 13, extended close date to October 28.
2. Proposal to revise the nonessential experimental population designation of the Mexican wolf. Comment period opened June 13, extended close date to October 28.
3. Notice of Intent to prepare an EIS for the proposed revision to the nonessential experimental population of the Mexican wolf. Comment period opened August 5, closes September 19.
4. Development of a new Recovery Plan for the Mexican wolf. Initiated in 2008. In proposing delisting, relisting and development of an EIS, the Service makes frequent mention of the Recovery Team's work guiding the Service. Yet, the full Recovery Team has not met to discuss its work since November 2011; the Science Subgroup of the Team never reached consensus on its draft guidance to the Service and has not met since December 2012; and a draft Recovery Plan has yet to be released to the public.
5. Development of a management plan for Mexican wolves outside the nonessential experimental population area. Initiated in 2010. No action since February 2013, when the Service withdrew its draft extra-limital plan. However, the plan is referenced in various Service documents pertaining to Issues 1-4 above, as information the Service will consider as it moves forward on those issues.

The County of Lincoln intends to submit comments on these proposed actions during the appropriate written comment period, but we also wish to state our collective major concerns so that you might consider them as the Service moves forward:

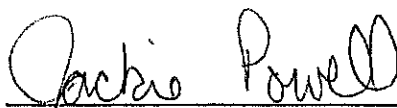
1. The Service must restructure and extend for a minimum of 90 days the public comment periods on these five issues to provide the public with adequate time, opportunity and information to appropriately evaluate each of these issues in the context of the other four. Service Policy on compliance with the National Environmental Policy Act (NEPA), set forth in Chapter 1 of 550 FW 1, affirms on page 1 that scoping be conducted with announcement of a proposed EIS. At pages 17-18 (D.2.3.B-C), the Service policy speaks to the intended breadth of public scoping and the mandate to carefully consider the affected public and to provide reasonable notice of public comments and due dates. Further, the policy states at page 33 (H) that "public participation is to be an integral and required part of the NEPA process.
2. The Service, per policy, must provide appropriate public meetings (throughout the affected areas of Arizona and New Mexico) through which the public can engage directly with the Service in discussing the relevant issues and their concerns.
3. The Service must develop and consider, and allow the public to review and consider, current information on the full range of possible economic impacts throughout the States of Arizona and New Mexico, not just within a narrower portion of both states.
4. The Service must describe the potential effects, both positive and negative (regarding wolf protection, management and on human activities on the landscape), of changing the current boundaries of the Mexican Wolf Experimental Population Area and of changing any formal or informal management zones within or immediately outside that area within the States of Arizona and New Mexico.
5. The Service must describe how wolf management on Tribal and non-Tribal lands in both Arizona and New Mexico will be coordinated to ensure that neither positive nor negative impacts of wolf reintroduction will fall disproportionately on Tribes or on non-Tribal interests.
6. The Service must describe how, moving forward, Mexican wolf reintroduction will contribute to achieving Mexican wolf recovery and delisting, including quantitative statement of reintroduction, downlisting and recovery/delisting population objectives and estimated timeframes.
7. The Service must describe how Mexican wolf recovery efforts in the United States will mesh with parallel efforts on Mexico with regard to achieving reintroduction, downlisting and recovery/delisting objectives and estimated timeframes.
8. The Service must clarify whether Mexican wolves within or originating from the current and proposed Nonessential Experimental Population Area have a legal status of endangered or of threatened.
9. The Service must describe how State wildlife management authorities pursuant to State Law and to Section 6 of the ESA will be respected through relisting the Mexican wolf and revising the Nonessential Experimental Population Rule through which reintroduction occurs.

10. The Service must describe how State and Tribal wildlife agencies, and cooperating Federal agencies will be permitted under Section 10 of the ESA to conduct management of Mexican wolves within their respective jurisdictions.
11. The Service must clarify its legal position with regard to ordinances and resolutions put forth by local or state governments that conflict with Federal laws, rules, regulations and policies pertaining to the Mexican wolf.
12. The Service must describe how Mexican wolves in the United States will be managed to ensure that the population (collectively and locally) does not expand to the point at which unacceptable impacts on hunter opportunities for big game species are not inappropriately constrained. The Service must also identify what financial resources it will contribute to enable State and Tribal wildlife agencies to maintain population surveys adequate to reliably estimate wolf and primary prey populations and to establish reliable measures of wolf impacts on such prey populations that might trigger permitted take of wolves.
13. The Service must describe the methods by which it will enable (and fund) measures to measure, prevent and mitigate losses of livestock or other property to Mexican wolf depredation.
14. The Service must commit resources of time, money and staff to work with State and Tribal wildlife agencies and other stakeholders as they develop alternatives to the wolf reintroduction and management proposals put forth by the Service.

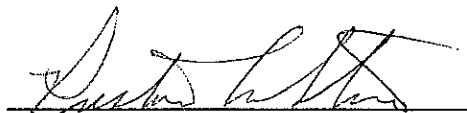
Lincoln County believes that the Service, at the Washington level as well as at the Region 2 level, must address each of these concerns to afford the public and cooperating agencies a meaningful opportunity to comment on the Service-proposed and pending actions.

We appreciate your consideration of this letter and anticipate receiving a timely, substantive response. Given the pending deadlines, we respectfully request a response by September 20.

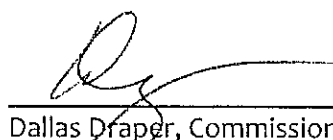
Sincerely,



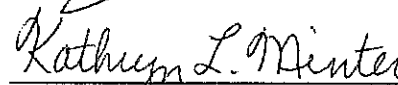
Jackie Powell, Chairwoman



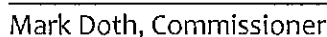
Preston Stone, Vice-Chairman



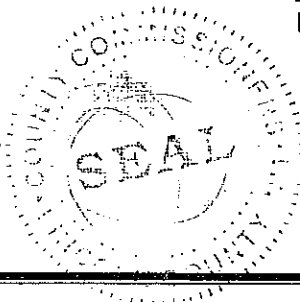
Dallas Draper, Commissioner

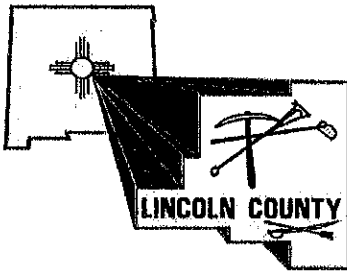


Kathryn Minter, Commissioner



Mark Doth, Commissioner





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AGENDA ITEM NO. 22

September 9, 2013

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *nt*

SUBJECT: Random Selection for Audit of Lodgers

Purpose: To obtain Board of County Commissioners random selection of lodgers for annual audit.

Discussion:

In Accordance with County Ordinance 2004-04, the county commission shall select for annual random audit "one or more vendors." The audit is to verify the amount of gross rent subject to the occupancy tax. The commissioners have the responsibility of determining the number to be audited and then to select the vendors for audit. Additionally, the county manager may select a number of vendors to verify the tax. The results of the audit are to be reported to DFA and the Board of County Commissioners.

The vendors to be audited have been divided into two pools—one of large businesses and one of smaller business. We currently have 27 active vendors. Therefore; thirteen of the largest and thirteen of the smallest(based on tax receipts) comprise the two pools. Last year's process was to remove the prior year's selectees from the current pool. In keeping with the process, the four lodgers audited last year have been removed from the pools.

Manager will present an envelope with folded numbers in it corresponding to the names of lodgers.. a Commissioner will blind draw from each pool two lodger numbers.

Recommendation: That a Commissioner randomly select for audit two lodgers each from the two pools that have been purged of last year's selectees.

Memo

To: Board of County Commissioners
Cc: Nita Taylor, County Manager
From: Rhonda Burrows, County Clerk
Date: 9/10/2013
Re: Vote Centers/Polling Place Resolution

New Mexico Statutes Section 1-3-2 requires that no later than the first Monday in November of the odd-numbered year, the Board of County Commissioners shall by resolution designate polling places for the upcoming 2014 Primary and General Elections.

NMSA provides that "precincts may be consolidated by the board of county commissioners..." if the consolidation met the following language of 1-3-4D:

- 1) any voter of the county shall be allowed to vote in any consolidated precinct polling location in the county
- 2) each consolidated precinct shall be comprised of no more than ten precincts
- 3) each consolidated precinct shall comply with NMSA 1-3-7 (site requirements)
- 4) each consolidated precinct polling location shall have a broadband internet connection and real time access to the statewide voter registration database.

The polling sites listed in the Resolution were used in the 2012 Primary and General Elections. We conducted a review of the proposed sites to assure adequate site requirements and adequate internet connections.

I respectfully request approval of Resolution 2013-15 as presented.

**Lincoln County
Resolution Number 2013 – 15**

**A Resolution Designating the Polling Places
for the 2014 Primary and General Elections**

WHEREAS, the New Mexico Statutes Annotated 1978, Section 1-3-2 requires that no later than the first Monday in November of the odd-numbered year, the Board of County Commissioners shall by resolution designate polling places; *and*

WHEREAS, the Board of County Commissioners finds that each polling place designated in this resolution complies with the provisions of NMSA 1978, Section 1-3-7, titled Polling Places; *and*

WHEREAS, the Board of County Commissioners finds that those precincts that are consolidated to create Vote Centers meet the requirements of NMSA 1978, Section 1-3-4, will be available to voters of any precinct in the county to cast a vote at the Vote Center, will make voting more convenient and accessible to voters of the consolidated precinct, will not result in delays for voters in the voting process, and are centrally located within the consolidated precinct; *and*

WHEREAS, the New Mexico Statutes Annotated 1978, Section 1-6-5.7 requires early voting to be conducted in the office of the County Clerk and at such alternate voting locations as may be established by the county clerk; *and*

WHEREAS, the New Mexico Statutes Annotated 1978, Section 1-6-20 requires the Board of County Commissioners to create an absent voter precinct for each county

WHEREAS, the Board of County Commissioners finds that each polling place provides individuals with physical mobility limitations unobstructed access to at least one voting machine.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners designates the polling locations for the 2014 Primary and General Elections as follows:

ELECTION DAY VOTE CENTERS:

(All voters in the county may vote at these locations, regardless of where they live.)

<u>Precinct Numbers</u>	<u>Location and Address</u>
1, 19	Corona Village Hall 461 Main Street, Corona, NM
2, 13, 17	Lincoln County Courthouse 300 Central Avenue, Carrizozo, NM
3, 4, 14, 20	Capitan High School 150 Forest Street, Capitan, NM

5, 6, 7, 8, 9, 21

Ruidoso Convention Center
111 Sierra Blanca Drive, Ruidoso, NM

10, 11, 18, 22

Ruidoso Downs Zia Center
393 Highway 70 W, Ruidoso Downs, NM

12, 15, 16

Hondo High School
111 Don Pablo Lane, Hondo, NM

ABSENTEE/EARLY VOTE

Lincoln County Courthouse
300 Central Avenue, Carrizozo, NM

EARLY VOTE

Ruidoso Senior Citizens Center
501 Sudderth Drive, Ruidoso, NM

PASSED, APPROVED, and ADOPTED this 17th day of September, 2013.

Board of Commissioners
Lincoln County, State of New Mexico

Jackie Powell, Chairwoman

Preston Stone, Vice Chair

Dallas Draper, Member

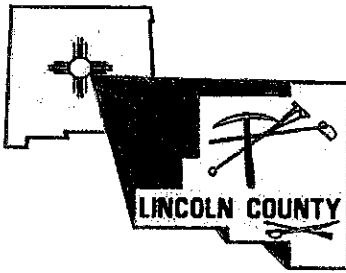
Kathryn Minter, Member

Mark Doth, Member

ATTEST:

SEAL

Rhonda Burrows, County Clerk



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County of Lincoln

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AGENDA ITEM NO. 24

September 13, 2013

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Proclamation in Recognition and Memorialization of Grant Dean, Fallen Friend of Lincoln County

Purpose: To recognize by Proclamation "Grant Dean" for his outstanding, courageous and tireless efforts to protect the health, safety and welfare of Lincoln County residents, businesses and visitors during times of catastrophic emergencies, including the 2012 Little Bear Fire.

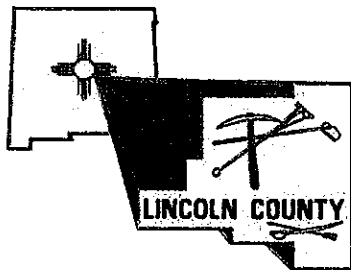
Discussion:

The County of Lincoln has been the direct beneficiary of the courageous and tireless efforts of Grant Dean during catastrophic events, including the 2012 Little Bear Fire. Following the fire, Grant accepted a key leadership role of ICS Operations Lead in the County's "Watershed Protection and Preservation Incident Command Team", that consisted of multi-agency participants who came together to address the issues at hand. In that role, Grant helped to identify and implement steps to mitigate the impact of potential floods that would further devastate the county and put its residents, businesses and visitors in harms way.

Grant Dean passed away on August 17, 2013, after spending most of his entire life in Lincoln County. During that time, he never failed to respond to a call for help with not only emergency situations, but with any situation. His efforts included assisting communities across the State of New Mexico during times of emergencies, specifically addressing fires, floods and other water issues, as well as acting in the role of liaison between the NM Dept of Homeland Security and Emergency Management, FEMA and the local government.

The County of Lincoln will truly miss Grant Dean, and wishes to recognize and memorialize him for his generous gift of toil and time, his continuous good humor and his true friendship.

Recommendation: Adopt the attached Proclamation recognizing and memorializing Grant Dean.



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AGENDA ITEM No. 25

September 13, 2013

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: FY13 – 14 Infrastructure Capital Improvement Plan (ICIP)

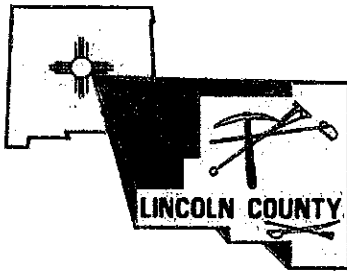
PURPOSE: Commission consideration and approval of the FY13-14 ICIP for submission to DFA by deadline September 30, 2013.

DISCUSSION: At the August 20th meeting, the Commission provided direction for prioritizing the following projects. The total cost estimates for these projects range from \$3,245,000 to \$4297,000. Manager is working with DFA to properly populate the ICIP Data Base with this information. Commissioners may still make additions to or deletions from this list, or modify the estimated costs, as the deadline for submission is September 30, 2013

1. **Detention Center Expansion** **\$500,000**
The County is currently close to capacity of its 144 bed facility much of the time. There is little or no room to house federal inmates, which can be a significant revenue source to the County. A proposed conversion and expansion of the existing storage building located just behind the main Detention Center complex would house additional inmates, or minimize the need to house our inmates in other county's facilities, and provide space for larger medical facilities, required for a greater number of inmates.
2. **New Hondo Fire Station** **\$300,000**
This station is in a state of irreparable disrepair and undersized to house new apparatus. Plan would be to build new station on existing county land that houses the senior center.
3. **Live Fire Training Facility** **\$500,000**
The Office of Emergency Services highly recommends the building of a Live Fire Training Facility. Minimal requirements would include a classroom and restrooms, with a concrete slab and connex trailer for hands-on training.
4. **Tower on Sheriff's office** **\$100,000**
The Office of Emergency Services strongly recommends moving the radio tower currently located on top of the Sheriff's Complex. At current location, it is vulnerable to a direct lightning strike that would take out critical communications. The tower would be installed on the ground at a space adjacent to the building.

5. **Improvements to Fairgrounds - Improvements to existing facilities** **\$120,000**
In meeting with the Fair Board after this year's main events, the 4th of July Rodeo and the County Fair, the Board identified a need for 1) new livestock washing facility that would be covered from the existing swine bard to the show barn. This would include an alleyway for contestants to move their show animals to the show barn; and 2) new sheep pens.
6. **Improvements to Fairgrounds – Water Crossings -** **\$318,000 - \$1,370,000**
Due to Little Bear Flood last year, and subsequent threat of flooding, Wilson & Company was contracted to evaluate the two water crossings at the fairgrounds. Currently, the parking of RVs and temporary housing of livestock is across the Magado Creek, causing a need for an alternative escape route, or stronger water crossings, should the creek flood.
7. **Expand White Oaks Fire station** **\$152,000**
The existing fire station is inadequate to house apparatus.
8. **Glencoe Bridge** **\$500,000**
This bridge was damaged during the 2008 flooding, and provides access (6 ton limit) to emergency responders to the east side of Hale Lake area.
9. **Energy Audit Improvements to Remainder of County Offices (Carrizozo)** **\$165,000**
Recommended upgrades to the Annex total approximately \$98,000 and to the Commission Chamber Building approximately \$66,000. These modifications include high efficiency windows, modifications for domestic water use, and HVAC systems and controls.
10. **New Road Yard** **\$560,000**
The existing road yard and shop are inadequate to house equipment and to perform maintenance or work on the large equipment. The initial plan was to relocate the yard to the county-purchased Cillesen property; the property that is also in the formal and informal plans for the fairgrounds. Alternative potential locations are being researched.
11. **Fire Station Water Holding Tanks** **\$30,000**
The goal of this project is to place 2 30,000 gallon water tanks at fire stations each year. We have 7 volunteer fire stations, so this project would likely span 4 years. Updated cost information is being researched.

RECOMMENDATION: After further discussion and consideration, approve prioritized projects to be included in the Lincoln County Infrastructure Capital Improvement Plan for submission to Department of Finance and Administration by September 30th deadline.



www.lincolncountynm.net

County of Lincoln

P.O Box 711 • 300 Central Ave. • Carrizozo, New Mexico 88301-0711 • (575) 648-2385

AGENDA ITEM NO. 26

September 13, 2013

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Request for Variance of Ordinance 2006 – 06, Lincoln County Outdoor Advertising Regulation Ordinance

Purpose: To consider a request from the Angus Church of the Nazarene for a variance from Section 5.A.7 of the Ordinance

Discussion:

The Church of the Nazarene has requested a variance from requirements of the Lincoln County Outdoor Advertising Regulation Ordinance. Per Section 5.6, a variance may be requested:

A variance may be requested when it can be shown that in the case of a particular billboard, strict compliance with the provisions of this Ordinance would cause undue hardship. The Commission may authorize a variance provided that the general intent of this Ordinance is preserved, that the public interest is protected, and that such a variance does not have the effect of nullifying the intent and purpose of the Ordinance. Under no circumstance shall a variance be granted that significantly conflicts with or nullifies the objectives, spirit and intent of the Ordinance.

Pastor Rick Hutchison has submitted the required letter of application for a variance. See Enclosure 1. See Enclosure 2 for Ordinance 2006-06. Should the commission agree to consider the request, a public hearing must be scheduled.

Recommendation: Schedule a public hearing for the October 15th Commission Meeting to consider the request for variance.

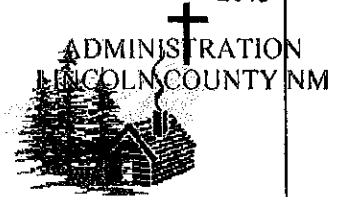
RECEIVED

SEP 06 2013



Angus Church of the Nazarene

HC 71 Box 1162
Capitan, New Mexico 88316
Phone: (575) 336-8032
Fax: (575) 336-1663



Rick Hutchison, Senior Pastor
Rhonica Toler, Children's Pastor
Sue Hutchison, Clinician
Korey & Lauren Frazier, Ministers of Technology and Community

Phil Jones, Youth Pastor
Paul Garber, Sunday School/ Small Groups
Marco Sanchez, Hispanic Ministries

John Rivas, Associate Pastor
Linda Brooks, Treasurer
Shelly Jones, Office Manager

Members of Lincoln County Commission:

September 7, 2013

Angus Church is situated in a unique position to be community minded and a point for community service. Because of recent disasters, the church has been a clearing house for several national and local relief organizations, including Samaritan's Purse, the Salvation Army and the local Little Bear Recovery Center. Also a designated evacuation shelter, Angus Church is a vital and functional part of the local landscape. Citizens are accustomed to depending on the church for updates and assistance.

Angus Church has ordered at their expense, a digital sign, 4' X 8'. Far from just the usual usages, Angus Church wants to utilize the sign as a community service to the residents of Bonito Road and Angus hill and those approaching Nogal Canyon on Highway 37. In addition to informing local citizens of pending church activities, Angus stands ready to partner with county emergency officials to present messages of caution, information, and crisis as need be. At no cost to the county, Angus Church is prepared to install the digital sign, follow county guidelines and offer our assistance to the county whenever notifications are needed.

Angus is also in the process of planning to remove the large billboard signs after the commission approves the digital sign, to insure that excess highway clutter is not an issue.

Realizing that Lincoln County Ordinance 2006-06 places requirements on such signs, the church sees no areas of non-compliance save one area and requests the commission consider a variance. Section five (5), A-7 of Lincoln County Ordinance 2006-06 refers to the Night Sky Protection Act, amended as HB 461 in 2009. In the Act, at section three (3) A, non-conforming light fixtures are listed and given the provision that says, "...an outdoor lighting fixture not meeting these provisions shall be allowed, if the fixture is extinguished by an automatic shutoff device between the hours of 11:00 p.m. and sunrise." Angus Church is willing to comply with the Night Sky Protection Act amendment if the commission desires.

Angus Church wishes to meet the terms of all county ordinances and submits this request to the commission in hopes of becoming a source of immediate information to local citizens. The nearest digital sign to Angus is south of the top of Angus hill and is not visible to those who live in the Angus/Bonito area and travel nearby. With the church willing to assume all costs in installation, utility fees and management, the church hopes the commission will view this request as a community service project.
Thank you for your consideration.

Sincerely,

Rick Hutchison, Pastor, Angus Church of the Nazarene
Donnie Glover, Chairman, Angus Church Board

Welcome Home!

ENCE 1



LINCOLN COUNTY-NM
TAMMIE J MADDOX, CLERK
200610061
Book 3 Page 1244
1 of 8
10/18/2006 08:00:26 AM
BY LOREEL

ORDINANCE NO. 2006- 6

Lincoln County Outdoor Advertising Regulation Ordinance

AN ORDINANCE ESTABLISHING RESTRICTIONS AND PROHIBITIONS TO PROMOTE SAFETY OF TRAVELERS ALONG CERTAIN HIGHWAYS, TO PREVENT VISUAL POLLUTION OF THOSE HIGHWAYS THROUGH REGULATION OF OUTDOOR ADVERTISING, TO PROTECT THE INVESTMENT IN PUBLIC HIGHWAYS AND PRIVATE PROPERTY VALUES; DEFINING AREAS TO BE REGULATED; MAKING RESTRICTIONS ON SIGNS AND BILLBOARDS; REQUIRING A PERMIT PRIOR TO CONSTRUCTION OR ALTERATION; PROVIDING FOR EXCEPTIONS; PROHIBITING ABANDONED AND DANGEROUS SIGNS; PROVIDING FOR REMOVAL OF NON-COMPLIANT BILLBOARDS, AND ESTABLISHING PENALTIES FOR VIOLATIONS; PROVIDING FOR ORDINANCES IN CONFLICT HEREWITH AND FOR THE SEVERABILITY OF PARTS HEREOF; PROVIDING AN EFFECTIVE DATE; AND REPEALING ORDINANCE 2004-10.

WHEREAS, pursuant to the New Mexico *Highway Beautification Act*, § 67-12-1, *et seq.*, the Board of County Commissioners is empowered to enact regulations regarding outdoor advertising along the highways within its jurisdiction; and

WHEREAS, the County of Lincoln has a long and rich history, which is significant to the cultural heritage of the state of New Mexico. Such history, in part, is the natural beauty of the land; and

WHEREAS, the United States Supreme Court has ruled that the concept of public welfare includes aesthetic as well as monetary values; and

WHEREAS, billboards placed at certain locations may obstruct the vision of drivers and therefore constitute a traffic menace, diminishing the safety of those traveling on public highways; and

WHEREAS, in order to promote public safety, health, welfare, convenience and enjoyment of public travel, protect the public's investment in public highways and private property rights, and preserve and enhance the scenic beauty of lands bordering the public highways within the County of Lincoln, the Board of County Commissioners finds that regulation of outdoor advertising is a valid public purpose; and

WHEREAS, for the reasons stated herein, the regulation of outdoor advertising along highways is a reasonable and proper exercise of the police power of the County of Lincoln.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE COUNTY OF LINCOLN, NEW MEXICO:

Section 1. Short Title.

This Ordinance may be cited as the "Lincoln County Outdoor Advertising Regulation Ordinance."

Section 2. Purpose.

The purpose of this Ordinance is to promote public safety, health, welfare, convenience and enjoyment of public travel, protect the public investment in public highways and private property values, and preserve and enhance the scenic beauty and prevent visual pollution of lands bordering the public highways within the County of Lincoln through regulation of outdoor advertising.

Section 3. Definitions.

For the purpose of this Ordinance, the following terms and words are hereby defined:

Billboard shall mean any freestanding sign more than sixteen (16) square feet in face area, including the sign trim, which advertises or directs attention to a business, product, service or event.

Mural shall mean a non-commercial picture or illustration applied directly to a wall of a building or structure which does not advertise or promote business, service or product.

Outdoor advertising shall mean any outdoor sign, display, light, device, figure, painting, drawing, message, plaque, poster, billboard or other object that is designed, intended or used to advertise or inform, any part of which is located within six hundred sixty feet of the nearest edge of the right-of-way and is visible from the main-traveled way of the interstate or primary systems or those located beyond six hundred sixty (660) feet of the right-of-way, located outside of urban areas, visible from the main-traveled way of the system and erected with the purpose of their message being read from such main-traveled way.

Sign shall mean any outdoor display or other representation which shall be so constructed, placed, attached, painted, erected, fastened or manufactured in any other manner whatsoever, so that the same shall be used for advertising.

Section 4. Areas of Regulation.

This Ordinance shall govern the lands located along highways within the County of Lincoln, New Mexico, and specifically within six hundred sixty (660) feet of the nearest edge of the right-of-way of the following:

- U.S. Highway 380 from the Socorro County line southeast to the Town of Carrizozo, from the Town of Carrizozo southeast to the Village of Capitan limits, and from the Village of Capitan limits to the Chaves County line;

- the entire length of N.M. Highway 37, from its inception at Highway 380 south to the Townsite of Nogal limits, and from the southern limits of Nogal to its intersection with N.M. Highway 48;

- U.S. Highway 54 from Corona south to the Town of Carrizozo limits, from the Town of Carrizozo limits south to the Otero County line;

- the entire length of N.M. Highway 48 from its northerly inception at the southern limits of the Village of Capitan south to the Village of Ruidoso limits;

- from the southerly limits of the Village of Ruidoso on Highway 70 east to the Mescalero Indian Reservation;

- Highway 70 from the limits of the City of Ruidoso Downs east to the Chaves County line;

- N.M. Highway 220 from its easterly inception at Highway 48 east to Fort Stanton where it merges with Highway 380; and

These "Areas of Regulation" are not bound by Lincoln County zoning regulations and therefore are deemed to be "unzoned industrial or commercial areas" pursuant to New Mexico Administrative Code § 18.21.5, AB.

Section 5. Restrictions and Prohibitions.

A. There shall be no billboard more than 300 square feet in size within the County of Lincoln. Any lawfully erected sign or billboard that existed prior to the enactment of this Ordinance shall be classified as a non-conforming structure.

1. A nonconforming sign/billboard shall be allowed to remain; however it may not be enlarged, expanded, modified, extended, or relocated.

2. A nonconforming sign/billboard that has been destroyed by natural causes may be reconstructed within the following thirty (30) days to the same dimensions which existed prior to its destruction.

3. Whenever a nonconforming sign/billboard has been discontinued as an outdoor advertising device for a period of sixty (60) consecutive days, the County of Lincoln may cause the billboard to be removed at the expense of the property owner.

4. Customary maintenance shall be performed on all outdoor advertising devices in order that they be kept in a good state of repair.

5. **Spacing requirement.** No billboard shall be nearer than one thousand (1,000) feet radius to any other billboard, with the exception that a separate, adjacent property owner may erect a billboard within a 1,000-foot radius of an existing or permitted billboard, and other than the exceptions provided for in subparagraphs C, E, and F of Section 6, hereof. This provision shall not prevent the erection of double-faced, back-to-back, or V-type advertising displays, providing the maximum separation of signs is five feet or less.

6. **Variances.** A variance may be requested when it can be shown that in the case of a particular billboard, strict compliance with the provisions of this Ordinance would cause undue hardship. The Commission may authorize a variance provided that the general intent of this Ordinance is preserved, that the public interest is protected, and that such variance does not have the affect of nullifying the intent and purpose of the Ordinance. Under no circumstance shall a variance be granted that significantly conflicts with or nullifies the objectives, spirit, and intent of the Ordinance.

a. **Requirement for Public Notification To Surrounding Property Owners.** Any such application for variance shall be made to the Commission and shall require publication of public notice prior to the public hearing on the matter. The County Commission shall make the final determination whether to grant or deny the application for variance.

(1) All requests for variances shall be submitted in writing to the Commission at least ten (10) days prior to the County Commission public hearing. Notice shall be mailed by the County to each owner of property situated wholly or partly within one thousand (1,000) feet of the property to which the proposed variance relates. At least twenty (20) days in advance of any hearing that requires publication of public notice to surrounding property owners, the County Commission shall publish notice of the hearing on the application in a newspaper of local circulation. The notice of public hearing shall:

(a) Give the date, time and place of the hearing;

(b) Contain a statement describing the location of the property and the subject matter(s) of the hearing; and

(c) Specify how additional information can be obtained.

b. The owner of the property which is the subject of a public hearing that requires public notice to surrounding property owners, or his authorized agent, shall appear at the public hearing scheduled on the matter.

c. The County Commission shall act on an application for variance at the first regular meeting following the appropriate legal notification set forth

above. The County Commission shall state for the record the key findings of fact on which the County Commission's decision is based.

d. When any application for variance is approved, approved with conditions, or denied, written notification of the County Commission's action listing any conditions imposed shall be sent within seven (7) days of the County Commission's action to the applicant and to any other party who has requested to be so informed. The County Commission's decisions shall be the final administrative appeal. The exclusive remedy for parties dissatisfied with the action of the County Commission shall be filing of a petition for review with the District Court within thirty (30) days of the date the decision of the County Commission was rendered.

7. All permissible outdoor advertising signs and billboards shall comply with the regulations of the *Night Sky Protection Act*, § 74-12-1, *et seq.*, NMSA 1978, and shall not have intermittent, moving or flashing lights, or video images.

B. **Size of Signs/Billboards.** All references to maximum allowable size shall refer to one side of a sign/billboard. The total area of any one sign face shall not exceed three hundred (300) square feet, including the sign trim, and be no higher than ten (10) feet high by thirty (30) feet in length. The total aggregate of all faces of signs or combination of signs allowed shall not exceed six hundred (600) square feet of sign area.

1. Signs made of individual cut out letters or shapes shall include the sum area of the combination of letters or shapes. Stacking of signs vertically or horizontally is prohibited, regardless of total face area permitted.

2. Signs and billboards shall have a ground clearance of no more than five (5) feet and be no more than 15 feet off the ground at the highest point of the sign/billboard.

C. Portable/trailer signs are prohibited, due to the risk these signs pose related to visual pollution, traffic, and hazards to persons and property during high winds, excepting those signs utilized by the State of New Mexico Highway and Transportation Department during construction or repair of roadways.

D. **Permit Required.** Any person who wishes to construct or alter a billboard within the areas regulated by this Ordinance is required to make application to the County of Lincoln and obtain approval for same prior to construction or alteration. The applicant shall attach to the application form an approved permit from the State of New Mexico. The application and plans shall be reviewed by the County Manager, or his designee, within thirty (30) days from receipt thereof, and either approved, approved with conditions, or denied for not meeting the requirements of this Ordinance.

Section 6. Exceptions.

The following are exempt from regulation under this Ordinance:

- A. Any sign or billboard lawfully erected within the Areas of Regulation shall remain a legal and compensable sign so long as all permits for the sign or billboard are timely obtained and all permit fees, if any, are timely paid.
- B. Any sign or billboard for which a New Mexico State permit has been approved and which is under construction at the time this Ordinance becomes effective.
- C. "Official signs and notices," "public service signs," and "public utility signs" as those terms are defined in NMAC §18.21.5 and which are erected and maintained by public officers or public agencies.
- D. Signs having less than sixteen (16) square feet in face.
- E. Murals of a non-commercial nature.
- F. "Temporary signs" for the purpose of announcing events open to the public for a limited time period not to exceed sixty (60) days. Temporary signs shall be a maximum of thirty-two (32) square feet per sign. Temporary signs shall be removed within ten (10) days after the event.
- G. Any outdoor advertising device 25 years of age or more that qualifies as a landmark sign, as that term is defined in NMAC §18.21.5.12.

Section 7. Abandoned or dangerous signs.

An "*abandoned sign*" is any sign which no longer directs, promotes, or advertises a business, lessee, owner, product or activity conducted, or product or service available, on the premises where such sign(s) is displayed. A "*dangerous sign*" is any sign that is materially, structurally, or electrically defective whether by construction, maintenance, neglect, abuse or age. If it is determined by the County Manager or his designee that any sign is determined to be "abandoned" or "dangerous" or in any way endangers the public, the County may issue an order to the owner of the property upon which the sign is located. Said order shall state the nature of the violation and require repair or removal of the sign within thirty (30) days of the date of order. If a "*dangerous sign*" provides the potential for immediate peril to persons or property, the County Manager or his designee may cause such sign to be removed and assess the costs of removal to the owner of the land upon which said sign is located, if the owner of such sign cannot be reached and/or does not comply.

Upon vacating the premises or discontinuing the business, the property owner or lessee shall cause all signs to be removed, blanked out, or covered. The owner or lessee will have thirty days from the date of closure of said business within which to comply.

Section 8. Penalties for Violation.

Any outdoor advertising device that does not comply with the provisions of this Ordinance is subject to removal. Such removal will be preceded by notice *via* certified mail to the owner of the device, and to the owner, if known, of the land upon which the device is located, of the particular standard and/or specification that the device violates, and that the violation(s) must be corrected within thirty (30) days or the device will be subject to removal by the County at the owner's expense. Any person who violates any of the provisions of this Ordinance shall be punished by a fine of up to three hundred dollars (\$300) and/or imprisonment of not more than ninety (90) days, or both. Each day a violation continues shall constitute a separate offense.

Section 9. Conflict Clause.

Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 10. Severability Clause.

It is hereby declared to be the intention of the Board of County Commissioners that the sections, paragraphs, sentences, clauses and phrases of this Ordinance shall be deemed severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance is declared unconstitutional or otherwise invalid by the valid judgment of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections hereof.

Section 11. Effective Date.

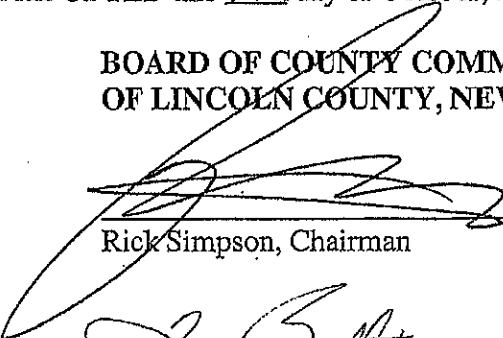
This Ordinance shall take effect thirty (30) days after recording in the Public Records of Lincoln County.

Section 12. Repeal.

Lincoln County Ordinance 2004-10 is repealed upon the effective date of this Ordinance.

PASSED, APPROVED, and ADOPTED this 17th day of October, 2006.

**BOARD OF COUNTY COMMISSIONERS
OF LINCOLN COUNTY, NEW MEXICO**


Rick Simpson, Chairman


Tom Battin, Vice Chairman

Earl B. Hobbs, Member

Eileen Lovelace
Eileen Lovelace, Member

Mauriece St. John
Mauriece St. John, Member

Attest:

Tammie J. Maddox
Tammie J. Maddox
Lincoln County Clerk



CountyAtty/WM/Ordinances/Billboards2006

LINCOLN COUNTY-NM
TAMMIE J MADDOX, CLERK
200610061
Book 3 Page 1251
8 of 8
10/18/2006 08:00:26 AM
BY LOREE1

Agenda Items No. 27
September 17, 2013

SUBJECT

Authorization to Schedule Public Hearing to Consider Other Outdated
or New Lincoln County Ordinances.

Agenda Item No. 28
September 17, 2013

SUBJECT

1:00 P.M.:

Public Hearing to consider amending Ordinance 2002-08 An Ordinance requiring a certificate issued by the Lincoln County Treasurer establishing that Property Tax Obligations are current prior to any subdivision plat or claim of exemption approval by the County of Lincoln with Ordinance 2013-05

STATE OF NEW MEXICO, LINCOLN COUNTY. Recorded this 18th day of October, 2002
at 8:04 A.M., in the Ordinance Records, Book 3, pages 383-388

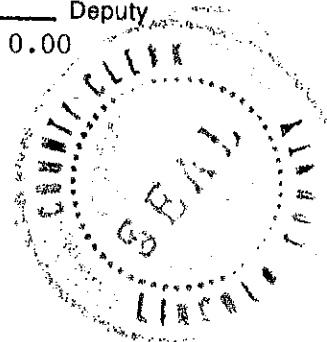
Tammie J. Maddox
Lincoln County Clerk

By: *Cecil Niles*
Rec. # 200210719

Deputy
Fees \$ 0.00

ORDINANCE NO. 2002-08

AN ORDINANCE REQUIRING A CERTIFICATE ISSUED BY THE LINCOLN COUNTY TREASURER ESTABLISHING THAT PROPERTY TAX OBLIGATIONS ARE CURRENT PRIOR TO ANY SUBDIVISION PLAT OR CLAIM OF EXEMPTION APPROVAL BY THE COUNTY OF LINCOLN; REPEALING ORDINANCES IN CONFLICT; PROVIDING FOR THE SEVERABILITY OF PARTS HEREOF; AND PROVIDING AN EFFECTIVE DATE.



WHEREAS, pursuant to Section 4-37-1, NMSA 1978, the Board of County Commissioners of the County of Lincoln is empowered to enact regulations which provide for the safety, preserve the health, promote the prosperity and improve the order, comfort and convenience of the citizens of the County of Lincoln; and

WHEREAS, the Board of County Commissioners of the County of Lincoln finds that an ordinance requiring proof that property taxes are current prior to County issuing approval of subdivision plats or claims of exemption would serve a valid public purpose.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE COUNTY OF LINCOLN, NEW MEXICO:

Section 1. Short Title.

This Ordinance may be cited as the "County of Lincoln Tax Obligation for Land Divisions and/or Recombinations Ordinance."

Section 2. Legislative Intent.

The Lincoln County Assessor is charged with the responsibility of maintaining current records of property tax assessments. The division of land and recombination of land within Lincoln County has the potential to impede the Assessor's ability to maintain current records of property tax assessments. Therefore, it is deemed that no plat approval or claim of exemption shall be issued for land within Lincoln County unless the property owner or his agent first provides to the County Manager, County Planner, or County Commission, as the case may be applicable, a certificate from

the Lincoln County Treasurer which states that all property tax obligations are current on the land parcels to be divided or recombined and are assessed on the rolls of the Lincoln County Assessor in the name of the current owner.

Section 3. Ownership Information.

A. The property owner or his agent, prior to requesting authorization to file a subdivision plat or claim of exemption, shall fill out an application form provided by the Lincoln County Treasurer, providing the following information:

- (1) the property owner number; Universal Parcel Code number (UPC #), name and address; and
- (2) the name and address of the new owner, or the person to receive the next assessment and tax notice.

The completed application shall be hand-delivered, mailed, or faxed to the Lincoln County Treasurer.

B. Within five days of receipt, the Lincoln County Treasurer shall make a determination as to whether or not to sign the certificate attesting that the property taxes are current on the parcels of land to be divided or recombined. If the application is approved, the Treasurer shall forward the application and certificate to the County Manager, Planning Manager or County Commission, a copy of the application and certificate to the Assessor and property owner or agent, and shall retain a copy of the application and certificate. If the application is denied, the application shall be returned to the property owner or agent.

Section 4. Definition.

A. The term *subdivision* is defined in NMSA 47-6-2 (J) (1973) as follows: "subdivision" means the division of a surface area of land, including land within a previously approved subdivision, into two or more parcels for the purpose of sale, lease or other conveyance or for building development, whether immediate or future.

B. Subdivision *claims of exemption* are defined in NMSA 47-6-2 (J) (1) through (13), as follows:

1. the sale, lease or other conveyance of any parcel that is thirty-five (35) acres or larger in size within any twelve (12) month period, provided that the land has been used primarily and continuously for agricultural purposes, in accordance with §7-36-20 NMSA 1978, for the preceding three (3) years;
2. the sale or lease of apartments, offices, stores or similar space within a building;
3. the division of land within the boundaries of a municipality;
4. the division of land in which only gas, oil, mineral or water rights are severed from the surface ownership of the land;
5. the division of land created by court order where the order creates no more than one parcel per part;
6. the division of land for grazing or farming activities provided that the land continues to be used for grazing or farming activities;
7. the division of land resulting only in the alteration of parcel boundaries where parcels are altered for the purpose of increasing or reducing the size of contiguous parcels and where the number of parcels is not increased;
8. the division of land to create burial plots in a cemetery;
9. the division of land to create a parcel that is sold or donated as a gift to an immediate family member; however, this exception shall be limited to allow the seller or donor to sell or give no more than one parcel per tract of land per immediate family member. As used herein the term "immediate family

member" means a husband, wife, father, stepfather, mother, stepmother, brother, stepbrother, sister, stepsister, son, stepson, daughter, stepdaughter, grandson, stepgrandson, granddaughter, stepgranddaughter, nephew and niece, whether related by birth or adoption.

10. the division of land created to provide security for mortgages, liens or deeds of trust; provided that the division is not the result of a seller-financed transaction;
11. the sale, lease or other conveyance of land that creates no parcel smaller than one hundred forty (140) acres;
12. the division of land to create a parcel that is donated to any trust or nonprofit corporation granted an exemption from federal income tax, as described in § 501(c)(3) of the United States Internal Revenue Code of 1986, as amended; school, college or other institution with a defined curriculum and a student body and faculty that conducts classes on a regular basis; or to any church or group organized for the purpose of divine worship, religious teaching or other specifically religious activity;
13. the sale, lease or other conveyance of a single parcel from a tract of land, except from a tract within a previously approved subdivision, within any five (5) year period; provided that a second or subsequent sale, lease or other conveyance from the same tract of land within five (5) years of the first sale, lease or other conveyance shall be subject to the provisions of the New Mexico Subdivision Act and these Regulations; provided further that a survey shall be filed with the county clerk indicating the five (5) year holding period for both the original tract and the newly created tract.

Section 5. Severability.

It is hereby declared to be the intention of the Board of County Commissioners that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance shall be deemed severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance is declared unconstitutional or otherwise invalid by the valid judgment of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections hereof.

Section 6. Conflict Clause.

Ordinances in conflict herewith are hereby repealed to the extent of such conflict.


Section 7. Effective Date.

This Ordinance takes effect thirty days after recording in the Public Records of Lincoln County.


PASSED, APPROVED, and ADOPTED this 17th day of October, 2002.

**BOARD OF COMMISSIONERS OF
THE COUNTY OF LINCOLN, NEW MEXICO**





Rex Wilson, Chairman



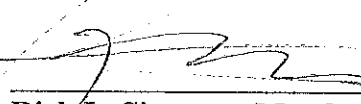
William H. Schwettmann, Vice Chairman



Leo Martinez, Member

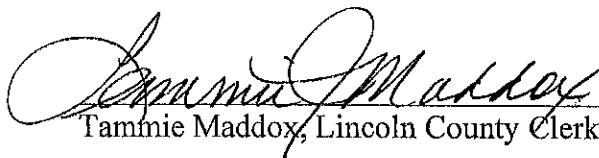


L. Ray Nunley, Member



Rick L. Simpson, Member

ATTEST:



Tammie Maddox, Lincoln County Clerk

CountyAtty/WM/Ordinances/land splits/10/15/02

**APPLICATION FOR CERTIFICATE
OF NO DELINQUENT TAXES**

The undersigned, as owner or agent, hereby makes application for a certificate from the Lincoln County Treasurer stating that there are no delinquent taxes on the property described below:

- (1) Property owner number, UPC #, name and address of current owner for the land to be subdivided or recombined:

- (2) Name and address of new owner, or person to receive the next assessment and tax notice:

Dated this ____ day of _____, 20____.

Signature of Property Owner

-or-

Signature of person authorized to act
on behalf of Property Owner

CERTIFICATION OF NO DELINQUENT TAXES

Pursuant to Lincoln County Ordinance No. 2002-08, the undersigned hereby certifies that there are no *delinquent* property tax obligations on the parcel of land assigned the property owner number _____ as of the ____ day of _____, 20____.

Lincoln County Treasurer

By _____

A copy of the this Application/Certification shall be delivered to the County Assessor and County Manager/County Planner/County Commission prior to filing a Subdivision Plat or Claim of Exemption.

388

Agenda Item No. 29
September 17, 2013

SUBJECT

Consideration of Appointments and Removals from Boards/
Commissions/Committees:

- A. LANRAC
- B. Lincoln Historic Preservation Board
- C. Planning Commission

INTERSTATE STREAM COMMISSION (SUB-COMMITTEE ON THE PECOS)

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
	JACKIE POWELL	BOX 91, GLENCOE 653-4072		01/22/2013	01/14

LABOR MANAGEMENT RELATIONS BOARD – 1 YEAR TERM (ORDINANCE NO. 2005-7)

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION

JOHN MARTINEZ, MANAGEMENT ASSOCIATES (505/821-0933)

LAND AND NATURAL RESOURCES ADVISORY COMMITTEE – 2 YEAR TERM (ORDINANCE NO. 2008-4)

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
DIST 1	Pete Gnatkowski Vice Chairman lincoln@nmsu.edu	HC 31, Box 48, Carrizozo, NM		02/19/13	02/15
DIST 2	Mary Ann Siegel-Russ siegelr1@hotmail.com	104 Plumas Place, Ruidoso 575-937-0720		10/16/12	10/2014
DIST 3	Bob Johnson bobj@valornet.com	Box 464, Alto, NM 88312 (575)336.4002		01/22/13	01/2015
DIST 4	Douglas Fuqua dfuqua1@hotmail.com	Box 1042 Alto, NM 88312 (575)336.1832		08/16/11	08/2013
DIST 5	Joel Bonnell jbonnell@live.com	Box 1, Glencoe, 88324 (575)653.4310		01/22/13	01/2015
AT LARGE	Duane Frost dsfrost@plateautel.net	Box 81, Claunch, NM 87011 (849.4950)		01/22/13	01/2015
AT LARGE	Rick Simpson, Chairman justcuz@swvmail.net	HC66, Box 70, Glencoe, NM 88324 (575)653.4249		02/19/13	02/2015

NO REQUIREMENT FOR AN APPOINTEE TO BE DOMICILED IN ANY PARTICULAR VOTING DISTRICT OF THE COUNTY. PUBLICATION IS REQUIRED. TWO AT-LARGE MEMBERS WILL BE ELECTED AND APPOINTED BY A MAJORITY VOTE OF THE BOARD OF COUNTY COMMISSIONERS.

LINCOLN HISTORIC PRESERVATION BOARD – 2 YEAR TERM (ORDINANCE NO. 2004-5 (BOX 65, LINCOLN 88338)

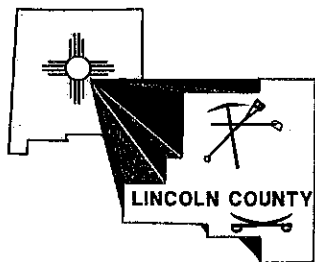
DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
DIST 1	BILL STRAUSSER	BOX 197, LINCOLN (653-4670)	5	12/20/11	12/13
DIST 2	ELAINE ALLEN	BOX 74, LINCOLN (653-4251)	5	01/22/13	01/15
DIST 3	L.M. SMITH	#5 MERCEDES CT, ROSWELL, NM	5	04/16/13	04/15
DIST 4	MELISSA BOUTE	BOX 162, LINCOLN, NM 88338	5	09/20/11	09/13
DIST 5	LINDA FOX-CHAIR	BOX 174, LINCOLN (653-4619)	5	03/28/12	03/14

MEMBERS MUST BE PROPERTY OWNERS IN THE HISTORIC DISTRICT. PUBLICATION IS REQUIRED.

LOCAL WORKFORCE INVESTMENT ACT ADVISORY BOARD – 03/03/00

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
	CHET SOUTHARD	BOX 609, ALTO 88312	4		
	GARY COZZENS	709 MECHEM DRIVE, RUIDOSO 88345	4		

NOMINATIONS ARE MADE BY CHAMBERS OF COMMERCE AND APPOINTED BY OTHER MUNICIPALITIES.



County of Lincoln

RECEIVED

AUG 28 2013

ADMINISTRATION

P.O.Box 711 • 300 Central Ave. • Carrizozo, New Mexico 88301-0711 • (505) 648-2385

August 15, 2013

Douglas Fuqua
PO Box 1042
Alto, New Mexico 88312

Dear Mr. Fuqua:

Your term for the Land and Natural Resources Advisory Committee (LANRAC) will expire August 2013. If you would like to serve an additional two year term and be re-appointed at the next commission meeting, August 20, 2013, please indicate below and return for further processing.

Thank you for serving on this Board, and hopefully you will continue to serve. If I can be of any assistance to you, please contact this office.

Sincerely,

Billie-Jo Guevara
Administrative Assistant/
Human Resources

☒ Yes I would like to be re-appointed to the Land & Natural Resources Advisory Committee

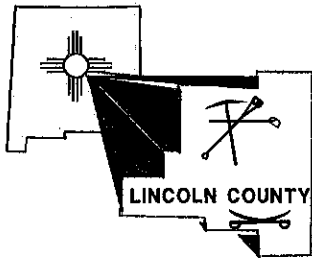
☐ No I would not like to be re-appointed at this time.

Douglas Fuqua

County Manager's Fax
(505) 648-4182

Finance/Purchasing Fax
(505) 648-2381

Planning/GIS Fax
(505) 648-2816



County of Lincoln

P.O.Box 711 • 300 Central Ave. • Carrizozo, New Mexico 88301-0711 • (505) 648-2385

August 21, 2013

RECEIVED

AUG 27 2013

ADMINISTRATION
LINCOLN COUNTY NM

Melissa Boute
PO Box 162
Lincoln, NM 88338

Dear Ms. Boute:

Your term for the Lincoln Historic Preservation Board is scheduled to expire September. If you would like to serve an additional two year term, please indicate below and return for further processing.

Thank you for serving on this Board, and hopefully you will continue to serve. If I can be of any assistance to you, please contact this office.

Sincerely,

Billie-Jo Guevara
Administrative Assistant/
Human Resources

☒ Yes I would like to remain on the Lincoln Historic Board.

☐ No I would not like to remain on the Lincoln Historic Board.

Melissa Boute

LODGERS TAX COMMITTEE, LINCOLN COUNTY - 2 YEAR TERM (ORDINANCE NO. 2004-04)

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
336-4330	TOURIST RELATE- JAMES HOBBS	BOX 2505 RUIDOSO 88355	4	02/19/13	02/15
973-8244	GENERAL PUBLIC - Sue Hutchison	1149 SHOESHONE TRAIL ALTO	4	08/20/13	08/15
653-4609	LODGING INDUSTRY - DAVID VIGIL	BOX 15, LINCOLN 88338	5	06/12/12	06/14
937-2121	TOURIST RELATED- ALICE SEELY; ALICESEELY@PVTN.NET	BOX 166 HONDO, NM 88336	5	04/17/12	04/14
653-4300	LODGING INDUSTRY - VICTOR GARRISON	BOX 236, LINCOLN, 88338	5	07/26/12	7/14

NEW MEXICO COUNTY INSURANCE AUTHORITY - WORKERS' COMPENSATION

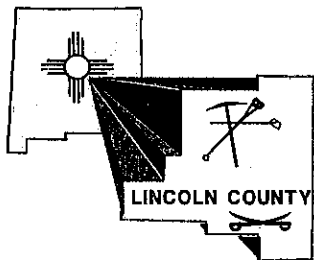
DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
	KATHRYN MINTER	104 SONTERRA DR, ALTO	4	01/22/2013	1/2014
	ALTERNATE - NITA TAYLOR	BOX 93, LINCOLN, NEW MEXICO	1	01/12/2013	1/2014

NEW MEXICO COUNTY INSURANCE AUTHORITY - MULTI-LINE POOL

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
	KATHRYN MINTER	104 SONTERRA DR, ALTO	4	1/22/2013	01/14
	ALTERNATE - DALLAS DRAPER	113 ALPINE VILLAGE RUIDOSO	3	01/10/2012	01/14

PLANNING COMMISSION - 2 YEAR TERM (ORDINANCE NO. 2008-5)

DISTRICT NO.	MEMBER	ADDRESS	RECOMMENDED BY	DATE APPOINTED	TERM EXPIRATION
DIST 1	DENNIS RICH; DENANDYVONNE@NETSCAPE.NET	PO BOX 575, CAPITAN, NM 937-5996	COMM. POWELL	04/17/12	04/14
DIST 2	JENNIE DORGAN, Chair	BOX 359, ALTO 88312 (336-4312)	COMM. WILLIAMS	03/19/13	03/15
DIST 3	NORA MIDKIFF -336 2095/937 4317 noratmidkiff@gmail.com	175 EAGLE CREEK CANYON , RUID	COMM. DRAPER	01/22/13	01/15
DIST 4	MARY DOKIANOS	103 WINTER HAWK HEIGHTS, ALTO	COMM. MINTER	09/20/11	09/13
DIST 5	TOM MANN	BOX 77, LINCOLN NM (653-4272)	COMM. POWELL	07/26/12	07/14
	MEMBER-AT-LARGE - ELAINE ALLEN	PO BOX 74, LINCOLN		01/22/13	01/15
	MEMBER-AT-LARGE - KARYL WILLIAMS KARYL.WILLIAMS@MTG-TECH.COM	PO BOX 1707 CAPITAN (354-5300) 575-808-9776		01/22/13	01/15



County of Lincoln

RECEIVED

AUG 29 2013

ADMINISTRATION

LINCOLN COUNTY NM

P.O.Box 711 • 300 Central Ave. • Carrizozo, New Mexico 88301-0711 • (505) 648-2385

August 21, 2013

Mary Dokianos
103 Winter Hawk Heights
Alto, New Mexico 88312

Dear Ms. Dokianos:

Your term for the Planning Commission will expire September 2013. If you would like to serve an additional two year term and be re-appointed at the next commission meeting, please indicate below and return for further processing.

Thank you for serving on this Board, and hopefully you will continue to serve. If I can be of any assistance to you, please contact this office.

Sincerely,

Billie-Jo Guevara
Administrative Assistant/
Human Resources

☒ Yes I would like to be re-appointed to the Planning Commission.

☐ No I would not like to be re-appointed at this time.

Mary Dokianos

Agenda Item No. 30
September 17, 2013

SUBJECT

Executive Session Pursuant to the Open Meetings Act: Discussion of all Threatened and/or Pending Litigation Section 10-15-1, Sub-Paragraph H.(7); and Discussion of the purchase, acquisition or disposal of real property or water rights by the public body, Section 10-15-1, Sub-Paragraph H.(8).

See attached list.

Alan P. Morel, P.A.

Attorney at Law

700 Mechem Drive, Suite 12
Post Office Box 1030
Ruidoso, New Mexico 88355-1030

Jira Plaza
Telephone (575) 257-3556
Facsimile (575) 257-3558

August 13, 2013

**LINCOLN COUNTY EXECUTIVE SESSION PURSUANT TO THE OPEN MEETINGS
ACT: DISCUSSION OF ALL THREATENED AND/OR PENDING LITIGATION
SECTION 10-15-1, SUBPARAGRAPH H.(7); AND DISCUSSION OF THE PURCHASE,
ACQUISITION OR DISPOSAL OF REAL PROPERTY OR WATER RIGHTS BY THE
PUBLIC BODY, SECTION 10-15-1, SUBPARAGRAPH H.(8)**

New or Updated Matters since last report = ■

1. Lodger's Tax Issue – Casa del Cocinero
2. *Cooper, Gale and DeBaca County News v. County of Lincoln, Sheriff of Lincoln County, et al.* D-1329-CV-200701364. Suit filed: October 15, 2007. Verified Complaint for Declaratory Judgment Ordering Production of Certain Records and Information.
3. *Green Tree Servicing, LLC v. William T. Joiner, Lincoln County, et. al.* D-1226-CV-2010-394. Suit filed November 17, 2010. Complaint for Enforcement of Contract and Foreclosure of Security Interest and Mortgage.
4. *Luis Grife as Personal Representative of The Estate of Arturo Grife, Jr., and Lizeth Grife v. County of Lincoln.* D-1226-CV-201100148. Complaint for Wrongful Death and Negligence, Jury Demand.
5. *New Mexico Ranch Sales v Mary T. Greene, LC Treasurer, et. al.* D-1226-CV-2011-00226. Suit filed August 1, 2011. Complaint In Rem to Foreclosure Mortgage Upon Real Property.
6. *Michael Wheaton v Paul F. Baca, Lincoln County Assessor, et. al.* D-1226-CV-2011-00341. Suit filed October 18, 2011. Notice of Appeal of Final Order of the Lincoln County Valuation Protests Board.
7. *New Mexico Ranch Sales v Marianne Clark, LC Treasurer, et. al.* D-1226-CV-2011-00409. Suit filed November 17, 2011. Complaint to Enforce and Collect Upon Promissory Note and to Foreclose Mortgage Upon Real Property.

8. *Bank of Clovis v Mona Bryant as Personal Representative of Marjorie Bryant (deceased), Village of Ruidoso, Lincoln County, et al. D-1226-CV-2011-00429.* Suit Filed February 10, 2012. Complaint for Foreclosure.
9. *New Mexico Ranch Sales v Tammy Palombi-Cade, LC Treasurer, et. al. D-1226-CV-2012-00042.* Suit filed February 13, 2012. Complaint to Enforce and Collect Upon Promissory Note and to Foreclose Mortgage Upon Real Property.
10. *Coble Constructors, LLC, et al v Carl Kelley Construction Ltd. Co, et al. D-1226-CV-2012-00003.* Suit filed January 15, 2012. Complaint to Foreclose Mechanic's Lien.
11. **Alto Lakes Golf & Country Club, Inc. v. Barbara Fleming, and Jesus and Maria Guardiola, et al. D-1226-CV-2011-00044.* Suit filed February 18, 2011. Complaint to Foreclose Lien. Counterclaim and Crossclaim suit filed by Washington Federal Savings on September 21, 2012 naming Board of Commissioners of Lincoln County and Lincoln County Solid Waste Authority. *Stipulated and Default Judgment, Decree for Foreclosure, Order of Sale, and Appointment of Special Master, entered by the Court on 8-12-13. L.C.'s lien was not extinguished and is still a valid lien against the subject property.
12. *Johnathan Warren v. Lincoln County Detention Center, Emerald Healthcare Systems, et al. 2:12-CV-01086-CG-LAM.* Suit filed October 19, 2012. Complaint for the Recovery of Damages Caused by the Deprivation of Civil Rights.
13. **Greentree Solid Waste Authority v. Lincoln County, et. al. D-0101-CV-2013-00104.* Suit filed January 9, 2013. Petition for Declaratory Judgment; Preliminary and Permanent Injunction. *Order Granting ALW&SD's Motion for Judgment on the Pleadings and for Summary Judgment entered by the court on 6-15-13. *August 21, 2013 is the deadline for GSWA to file its Notice of Appeal. *In the process of scheduling Mediation.
14. *Rio Grande-Alameda, Ltd. v Paul Baca, Lincoln County Assessor D-1226-CV-2013-00005.* Suit filed January 9, 2013. Complaint for Refund of Taxes Paid.
15. **Washington Federal Savings v. Timothy Rose; Chanda Rose; and Lincoln County D-1226-CV-2013-00105.* Suit filed April 15, 2013. Complaint for Foreclosure. *July 29, 2013 Ltr to Bishop, White, Marshall & Weibel, P.S. advising of payoff amount through Aug. 5, 2013.
16. *Wells Fargo Bank, NA, et al v. Jerry Turner, Board of County Commissioners of the County of Lincoln, New Mexico, et al. D-1226-CV-2013-00129.* Suit filed May 6, 2013. First Amended Complaint for Foreclosure.
17. **State of New Mexico (Lincoln County) v. Stephen Gore M-30-MR-2013-00113.* Citation filed June 17, 2013. Lincoln County Solid Waste Ordinance 2009-03 Violation. *June

- 17, 2013 Trial continued - Defendant given 60 days to complete clean up of property.
18. * *Steven Miller, et al. v. State Forestry Division, NM Energy, Minerals, and Natural Resources Department, County of Lincoln, et al. D-1226-CV-2013-00160.* Suit filed June 15, 2013. Complaint for Negligence, Injury and Damages. *On August 2, 2013, NMAC advised Attorney Bryan Evans has been assigned as counsel for Lincoln County.
 19. * *Barbara Diane Latham, et al v. Neal Cox, Ben Hazen, Lincoln County Sheriff's Department and the County of Lincoln. D-1226-CV-2013-00191.* Suit filed July 19, 2013. Complaint for Violation of Civil Rights, Wrongful Death and Damages by Attorney Gary Mitchell. LCSO and LC Manager were served on August 5, 2013. Tort Claim Notice was filed on October 27, 2011.
 20. **State of New Mexico (Lincoln County) v. Erma Jim* (need approval to proceed with filing of Complaint prepared by Deputy David Hightower for possession of a Samsung cell phone with a charged cell phone battery contrary to L.C. Ordinance No. 2011-01.
 21. **State of New Mexico (Lincoln County) v. Leandra Pino* (need approval to proceed with filing of Complaint prepared by Deputy David Hightower for possession of a Samsung cell phone with a charged cell phone battery contrary to L.C. Ordinance No. 2011-01.
 22. **State of New Mexico (Lincoln County) v. Michael Mitchell* (need approval to proceed with filing of Complaint prepared by Deputy David Hightower for possession of a Samsung cell phone with a charged cell phone battery contrary to L.C. Ordinance No. 2011-01.

Tort Claims Notices Received or Threatened

2013

Borrego, Albert - Tort Claim Notice received from attorney Gary Mitchell on June 14, 2013, alleging continued harassment to Albert G. Borrego by police while responding to a noise complaint at Mr. Borrego's residence on February 28, 2013, and a separate incident resulting in Mr. Borrego's arrest on March 5, 2013, due to an outstanding warrant, during which Mr. Borrego allegedly sustained injuries while in custody due to an existing broken back injury.

Espinoza, Robert – Tort Claim Notice received from Robert Espinoza on June 4, 2013, alleging property damage from vehicle accident while Linda Mullins, driving the LC Senior Center meal delivery van ran off road hitting chain link fence, poles and railroad ties.

Montoya, Emilia L. - Tort Claim Notice received by attorney Freda Howard McSwane on April 23, 2013, alleging injuries sustained by Ms. Montoya when a physical altercation took

place at the LCDC.

Ramos, Aaron - Tort Claim Notice received by attorney Robert J. Beauvais on April 18, 2013, (correspondence dated September 13, 2011) alleging concerns about Mr. Ramos' safety and welfare and violation of his U.S. Constitution Fifth and Sixth Amendment rights.

2012

Cathy and Steve Altstatt -- Telephone conference with Cathy Altstatt on April 19, 2012, concerning their unbuildable and unsellable Deer Park Valley lot due to lot size, septic tank setback requirements, and an easement granted to Alto Lakes Water & Sanitation District for a water well.

Riordan, J.T. -- Correspondence received from Theresa Riordan on March 28, 2012, concerning her son's treatment and detention conditions while being held in LCDC.

Sheridan, Michael -- Tort Claim Notice received from Attorney, Jennifer Burrill on February 21, 2012, claiming the Lincoln County Sheriff's Department forced him to register as a sex offender when he did not meet the requirements.

Biggs, M. Jolene -- Tort Claim Notice received from Attorney, Adam Rafkin on February 6, 2012, claiming liability by the County of Lincoln by failing to maintain the surface of the parking lot across from the Lincoln County Courthouse in Carrizozo, NM.